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ABSTRACT

Presented in this document are a student's study guide and an accompanying teacher's manual. The purpose of the study guide is to present information on (1) what the U.S. Constitution means, (2) how the U.S. government is organized, (3) why the Constitution is a living document, and (4) why the Constitution is a source of pride for U.S. citizens. This document is divided into units that feature the Constitution's original articles, the amendments, and court interpretations. Unit 1 highlights each section of every article and describes its meaning. Those sections that have been changed because of amendments are noted. Unit 2 discusses each constitutional amendment and describes its purpose and meaning. In unit 3, specific Supreme Court cases are discussed to illustrate constitutional change as a result of legal interpretation. Student reviews are provided for each unit, along with worksheets for the study of selected articles, amendments, interpretations, and a final examination. Pictures and charts are included. The teacher's manual contains planning guides for teaching units about (1) the original articles of the U.S. Constitution, (2) amendments to the Constitution, and (3) interpretations of of the Constitution. Each planning guide describes learning objectives teaching strategies for both average and advanced students, and methods of relating the information to current events and situations. A comprehensive mastery examination, a time planning chart, and a 72-item bibliography are included. (JHP)

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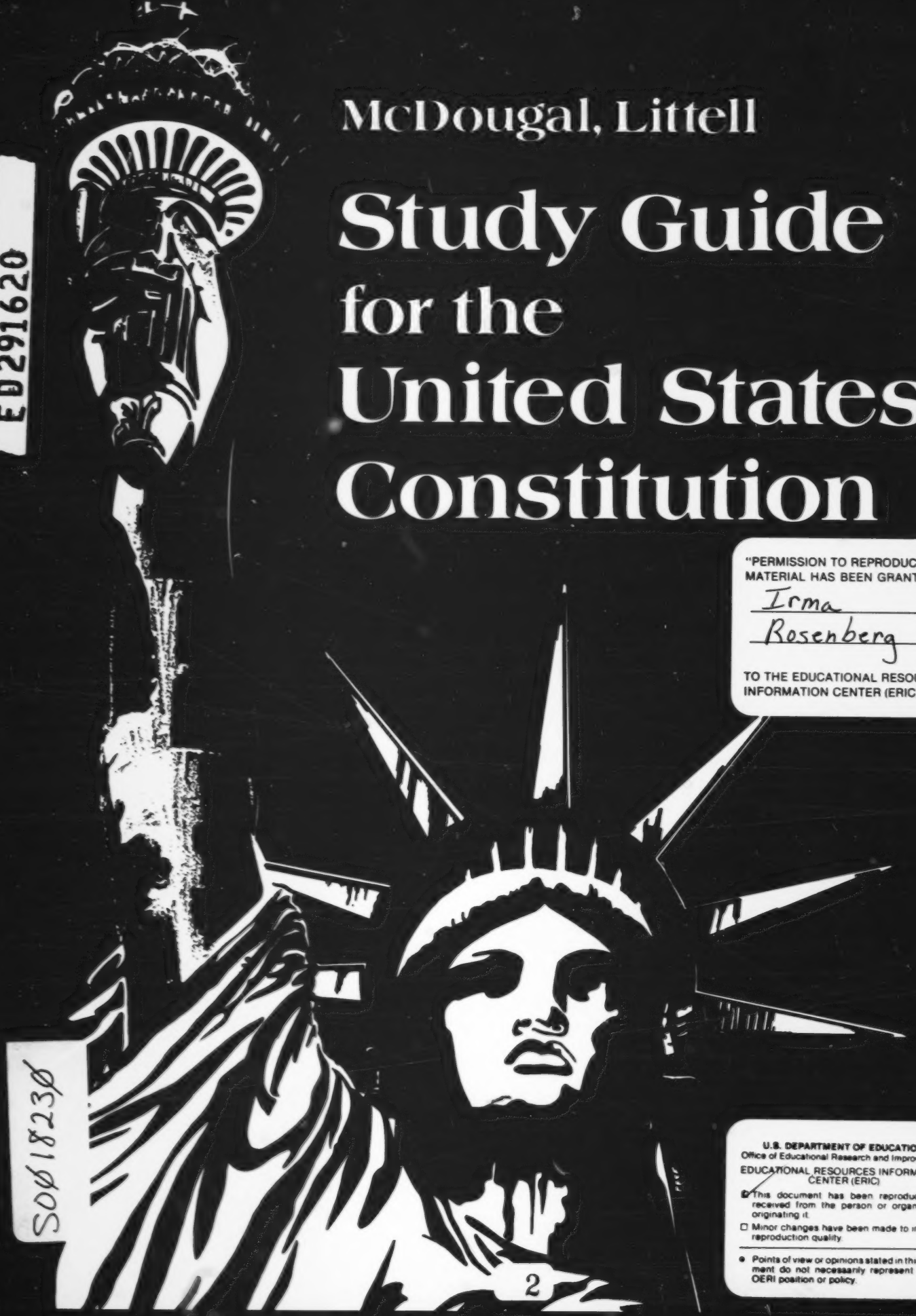

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Study Guide for the United States Constitution

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CONSTITUTION for the United States

"In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce," said James Madison in 1787. Since then the *Constitution of the United States*, the document which established our system of government, has withstood the test of time. The fifty-five delegates who shaped the Constitution lived in a mostly rural America. For the most part they were planters, merchants, small farmers, and self-educated citizens. Two hundred years later, most Americans live in urban areas and are educated in public schools. They are pilots, computer operators, and factory workers. Still, the Constitution has managed to fulfill Madison's hope.

In these pages you will learn: (1) what the Constitution means; (2) how the government is organized; (3) why the Constitution is a living document; and (4) why the Constitution is a source of pride.

Original Articles of the Constitution

THE PREAMBLE.
The Purpose of the Constitution

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Creating a new government is a momentous undertaking. The framers wanted to make their reasoning clear to other Americans and the rest of the world. The framers wanted the people to understand that their new government rested on great principles. These included freedom, equality, justice, and safety. The *Preamble*, or introduction, states the basic purposes of the government of the United States.

When the framers of the Constitution drafted it, they stated the source of their authority to do so. They said their authority came from the people. Basic to our form of government is the idea that the people have the right and the power to determine how they should be governed. The Constitution outlines the structure of the government of the United States. The Preamble challenges every generation to reestablish the principles of the Constitution.

ARTICLE 1. The Legislature

The First Article of the Constitution describes what the *legislative* branch is and what it can and cannot do. With the Second and Third Articles, this part of the Constitution assures the *separation of powers* of the central government into three components: the legislative, executive, and judicial branches.

SECTION 1. Congress

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Only Congress has the power to make laws. Making laws is what is meant by legislative powers. Congress is made up of two houses—the Senate and House of Representatives. This **bicameral**, or two-house, legislature is the result of a "great compromise" agreed upon during the Constitutional Convention.

SECTION 2. The House of Representatives

1. Elections. *The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.*

2. Qualifications. *No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.*

The second paragraph of this section specifies the constitutional requirements for Representatives: age, citizenship, and state residence. In addition, the first paragraph, or clause, indicates that states must hold elections for their Representatives every two years. Such frequent elections, the framers of the Constitution thought, would keep Representatives responsive to the people. Voter qualifications are determined by the states. Some states used this power to limit voting to white males. Amendments 15, 19, 24, and 26 have extended voting rights to people who previously had not been allowed to vote because of state laws.

There are 435 Representatives, a number fixed by Congress in 1912. Over the years, however, each state's allotment of Representatives has varied. The number of Representatives for each state is based on that state's population.

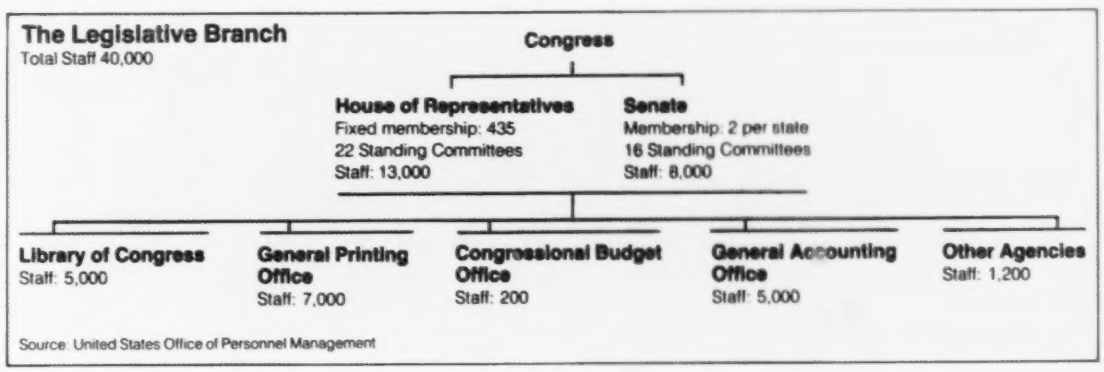
3. Number of Representatives. *Representatives ~~and direct taxes~~ shall be apportioned among the several states which may be included within this Union according to their respective numbers, ~~which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons.~~*

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such a manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; ~~and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose 3, Massachusetts, 8, Rhode Island and Providence Plantations, 1, Connecticut, 5, New York, 6, New Jersey, 4, Pennsylvania, 8, Delaware, 1, Maryland, 6, Virginia, 10, North Carolina, 5, South Carolina, 5, and Georgia, 3.~~

4. Vacancies. *When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.*

5. Officers and Impeachment. *The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.*

The portions of this section no longer in use were part of the "Three-fifths Compromise," which



counted three-fifths of the slave population in each state for purposes of representation and direct taxes. Here, the term direct taxes means poll and property taxes. The Thirteenth Amendment abolished slavery; the Sixteenth Amendment changed the direct taxes provision; and the Twenty-Fourth Amendment abolished poll taxes and other taxes that had been requirements for voting.

To determine the number of Representatives each state has, Congress counts Americans every ten years (five years beginning in 1985). Each member of the House now represents about 500,000 persons. When a Representative dies in office or leaves office before his or her term is over, the state governor is to call an election to fill the vacancy.

The final clause gives the House of Representatives the power to organize members into committees and the power to impeach. **Impeachment** is the process of accusing a public official of a crime or serious misbehavior. One President, Andrew Johnson, was impeached by the House, but the Senate found him not guilty of the charges made against him. Other federal officials have been impeached, tried in the Senate, and removed from office.

SECTION 3. The Senate

1. Numbers. *The Senate of the United States shall be composed of two Senators from each state, chosen ~~by the legislature thereof~~ for six years; and each Senator shall have one vote.*

2. ~~Classifying Terms.~~ *~~Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senator of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year, and if vacancies happen by resignation or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.~~*

3. Qualifications. *No person shall be a Senator who shall not have attained to the age of thirty years and been nine years a citizen of the United States, and who shall not when elected be an inhabitant of that state for which he shall be chosen.*

The Senate has two Senators from each state. Until 1913, Senators were elected by the state legislatures. The Seventeenth Amendment changed that rule by allowing the voters to choose their Senators directly. Each Senator is elected for a six-year term.

The third clause specifies the constitutional requirements for Senators. A Senator must be at least thirty, a citizen of the United States for nine years, and a resident of the state in which he is elected.

4. Role of Vice-President. *The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.*

5. Officers. *The Senate shall choose their officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of the President of the United States.*

6. Impeachment Trials. *The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.*

7. Punishment for Impeachment. *Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.*

The Vice-President presides at Senate meetings but votes only when there is a tie.

The Senate also organizes into committees and chooses its other officers, including the **president pro tempore,** who presides over the Senate in the absence of the Vice-President. The Twenty-Fifth Amendment now provides for filling the vacant office of the Vice-President.

The last two clauses give the Senate the power to act as a court at impeachment trials. The Senate's power to punish a convicted official is limited, however. The Senate can remove the official from office and bar him or her from holding another United States government office. The convicted person can then be tried in the regular courts for the crime(s) that caused the loss of office and punished if found guilty.

SECTION 4. Congressional Elections

1. Regulations. *The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations ~~except as to the places of choosing Senators~~.*

2. Sessions. *The Congress shall assemble at least once in every year, ~~and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day~~.*

Federal law now requires all states to hold elections for Congress on the first Tuesday after the first Monday in November in even-numbered years. The Seventeenth Amendment provides for Senators to be elected at the same voting places as other officials.

The English kings had often kept Parliament from meeting simply by not calling it together. This is the reason that Congress must meet once a year.

The Twentieth Amendment changed Congress's meeting time to January 3, unless Congress itself rules otherwise.

SECTION 5. Rules and Procedures

1. Quorum. *Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members in such manner and under such penalties as each house may provide.*

2. Rules and Conduct. *Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.*

3. Congressional Records. *Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.*

4. Adjournment. *Neither house, during the session of Congress, shall without the consent of the other adjourn, for more than three days, nor to any other place than that in which the two houses shall be sitting.*

Both the House and the Senate decide whether their members are legally qualified and have been fairly elected. On the basis of this section, members of Congress refused to seat members from the former Confederate states in the election following the Civil War.

Each house disciplines its own members when the activities of those members are judged to be improper. Under this clause, Senator Joseph R. McCarthy was condemned in 1954 for his improper search for Communists. Representative Adam Clayton Powell was denied his seat in 1967 on the charge that he had misused government funds. Senator Herman Talmadge was "denounced" in 1979 for financial irregularities. Representative Charles Diggs was also censured in 1979 for financial misconduct. More recently, members of Congress have been disciplined for their roles in the Abscam investigations, and for improper moral behavior.

The proceedings of both the Senate and the House of Representatives have been published together in the *Congressional Record* since 1873. The *Record* comes out daily while Congress is in session. It will omit certain matters if Congress decides that they are secret. It must show, however, how each member voted if one-fifth of the members present agree.

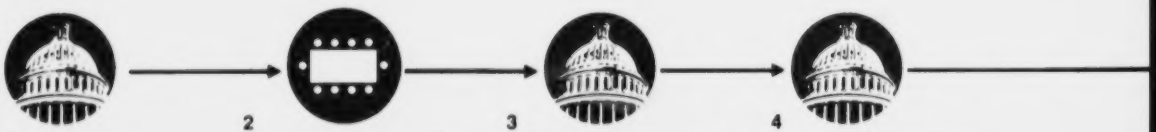
The last clause provides Congress with the power to decide when and where it should meet. Both houses must agree to any recess that extends beyond three days, and both must meet in the same city.

SECTION 6. Payment and Privileges

1. Salary. *The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.*

2. Restrictions. *No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time; and no*

How a Bill Becomes a Law



1 Bill Is Introduced.
A bill can be introduced in either the House or the Senate, where it is then assigned to a committee for study.

2 Approved by Committee.
Committee makes recommendation that the bill be placed on calendar.

3 Vote of House Members.
Either house reads, debates, and votes on bill. If approved by majority, bill is passed and referred to the other house.

4 Passed by Other House.
Committee reviews bill. Bill read, debated, and voted on by all members. Majority vote passes it.

person holding any office under the United States shall be a member of either house during his continuance in office.

Senators and Representatives receive a salary of $60,662.50 a year, plus office space and allowances for office costs, staff salaries, travel, and similar expenses. Congressional **immunity**, freedom from arrest, protects members while going to and from congressional work. Like all Americans, both Senators and Representatives may be arrested for breaking the law. A member of Congress also has immunity from prosecution for libel or slander during congressional debates or in official reports.

The second clause was included so that no member of Congress would be able to profit personally from laws that he or she helped make. This keeps Senators and Representatives from creating jobs to which they might later be appointed or from raising the salaries of jobs they someday hope to hold.

SECTION 7. How a Bill Becomes a Law

1. Tax Bills. *All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.*

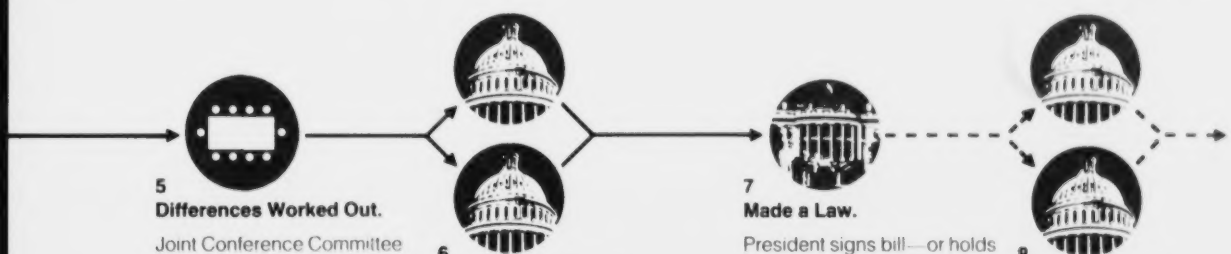
The tradition of the tax bill originating in the lower house of the legislature is a part of our legacy from England, where tax measures start in the House of Commons. However, the Senate can amend the tax bill to the extent that it rewrites the whole measure.

2. Law-Making Process. *Every bill which shall have passed the House of Representatives and the Senate shall before it becomes a law be presented to the President of the United States. If he approves, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively.*

If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Role of President. *Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.*

A bill that gains a majority vote in both the House and the Senate must be sent to the President. The



5
Differences Worked Out.
Joint Conference Committee works out differences in bill. Revised bill passes both houses.

6
Enrolled and Signed.
Bill is printed and verified. Vice-President signs bill and sends it to President.

7
Made a Law.
President signs bill—or holds it ten days without signing it—and it becomes a law.

8
Passed over Veto.
If President vetoes bill, two-thirds vote of both houses makes it a law.

President can: (1) sign it and make it a law; (2) hold it for ten days without signing it, after which time it still becomes a law; or (3) veto, or refuse to sign it, and return it to Congress with his reasons for doing so. These clauses keep Congress from making laws without the agreement of the President. They are a strong check because only 5 percent of the bills have passed over presidential vetoes.

A bill can still become a law if each house *overrides* the President's veto and passes the bill by a two-thirds majority. When a bill is sent to the President near the end of a congressional session, the President can hold it. If Congress adjourns within ten days, it does not become law if the President does not sign it. This is called a **pocket veto.** Franklin Roosevelt used 263 such vetoes. The chart above shows the process by which a bill becomes a law.

SECTION 8. Powers Granted to Congress

> **1. Taxation.** *The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.*
>
> **2. Credit.** *To borrow money on the credit of the United States.*
>
> **3. Commerce.** *To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.*

This section lists the powers granted to Congress. Clause 1 grants Congress the power to establish uniform taxes. **Duties** are taxes on goods coming into the United States. **Excises** are taxes on the manufacture, sale, or use of goods made within the country. Imposts are other taxes on imported goods.

Clause 2 is the basis for national banks and the Federal Reserve System. There is no limit on the amount of money the government can borrow.

Clause 3 was intended to remedy a weakness of the Articles of Confederation. Over the years, the Supreme Court has interpreted this clause so that Congress can regulate many forms of interstate commerce. As a result, Congress is concerned not only about commercial activity that crosses state boundaries but also about activity that affects commerce in more than one state. For instance, Congress can pass laws and provide funds to improve waterways, to enforce air safety measures, and to forbid interstate shipment of certain goods.

Congress can also regulate the movement of people, of stocks and bonds, and of television signals. It is a federal crime for people to flee across state lines from state or local police. This clause sees that interstate travelers receive fair treatment regardless of race or nationality.

> **4. Naturalization, Bankruptcy.** *To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.*
>
> **5. Money.** *To coin money, regulate the value thereof and foreign coin, and fix the standard of weights and measures.*
>
> **6. Counterfeiting.** *To provide for the punishment of counterfeiting the securities and current coin of the United States.*

Clause 4 insures uniform rules for **naturalization,** the process of becoming a citizen, and rules for people who owe debts they cannot pay.

Clause 5 gives Congress the right to make currency and to regulate its value.

Clause 6 allows Congress to decide punishment for people who make imitation government bonds, stamps, or money.

7. Post Office. *To establish post offices and post roads.*

8. Patents, Copyrights. *To promote the progress of science and useful arts, by securing for limited times to authors and investors the exclusive right to their respective writings and discoveries.*

9. Federal Court. *To constitute tribunals inferior to the Supreme Court.*

10. International Law. *To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.*

Congress has attempted to reform the Post Office Department, making it an independent agency. Postal workers now have the right to organize and to bargain collectively. (See chart on pages 10–11.)

Clause 8 gives Congress the responsibility to promote science, industry, and the arts by making laws under which inventors, writers, and artists receive patents and copyrights to protect their own works. A **patent** is an official document that gives an inventor the exclusive right to make, use, or sell the invention for a specified number of years. A **copyright** is the exclusive right to publish or perform literary, artistic, or musical works for a certain number of years (usually twenty-eight).

Clause 9 allows Congress to set up the federal district courts, the United States Courts of Appeals, and other special courts.

Through Clause 10, Congress has the power to make laws regarding crimes committed on the seas or oceans. It also has power to make laws to punish persons who break international laws.

11. War. *To declare war, ~~grant letters of marque and reprisal~~, and make rules concerning captures on land and water.*

12. Armed Forces. *To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.*

13. Navy. *To provide and maintain a navy.*

14. Regulation for Armed Forces. *To make rules for the government and regulation of the land and naval forces.*

15. Militia. *To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.*

16. Regulations for Militia. *To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.*

According to Clause 11, only Congress can declare war. However, the President has taken military action without the consent of Congress in the case of the Korean War (1950–1953) and the Vietnam War (1957–1975). **Letters of marque** or **reprisal** are documents that authorize vessels to attack enemy ships. They are outlawed by international law today and reference to them is deleted in the clause.

The next clauses, including the two-year limit for appropriations, were intended to keep the army under the control of civilians. The navy, which was young and small, was not placed under that limitation. An air force was not even imagined then.

Clause 16 provides for a National Militia, popularly called the National Guard. Congress has given the President power to decide when a state of emergency exists. Then, the President, as its Commander in Chief, can call out the National Guard.

17. District of Columbia. *To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of Congress, become the seat of government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.*

18. Elastic Clause. *And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government of the United States, or in any department or office thereof.*

Congress is the legislative body for the District of Columbia and for all federal property on which forts, naval bases, arsenals, and other federal works or buildings are located.

This final clause of Section 8 is called the "necessary and proper" clause, or sometimes the *elastic clause*. It allows Congress to deal with many matters not specifically mentioned in the Constitution.

SECTION 9. Powers Denied Congress

1. ~~Slave Trade.~~ ~~*The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.*~~

2. Habeas Corpus. *The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.*

3. Illegal Punishment. *No bill of attainder or ex post facto law shall be passed.*

4. Direct Taxes. *No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.*

5. Export Taxes. *No tax or duty shall be laid on articles exported from any state.*

The first clause, now obsolete, refers to foreign slave trade. Congress passed a law in 1808 stopping the importation of slaves.

A **writ of habeas corpus** is a legal order that protects people from being held in jail on weak evidence or none at all. During the Civil War Abraham Lincoln suspended the writ of habeas corpus in certain areas. Chief Justice Taney ruled in the *Merryman* case (1861) that only Congress had the right to suspend the writ of habeas corpus. Lincoln disagreed and continued to follow his own interpretation. Several other Presidents have, too.

A **bill of attainder** is an act passed by a legislature to punish a person without a trial. An **ex post facto law** is one that provides punishment for an act that was legal when the act was committed. This clause indicates that punishment for disregarding a law is the responsibility of the courts, not Congress.

A **capitation** is a head tax; the word comes from the Latin designation for "head." Congress cannot levy head taxes, or poll taxes, unless all persons (men, women, and children) in the United States are taxed the same. Other direct taxes must also be based on population. The Sixteenth Amendment made it legal to have an income tax.

Clause 5 refers to **export taxes,** taxes on goods sent to other states or to foreign countries. Congress can regulate or prohibit shipment of certain items, but it cannot tax goods for being sent out of any state.

6. No Favorites. *No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties to another.*

7. Public Money. *No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.*

8. Titles of Nobility. *No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall without the consent of the Congress accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state.*

Clause 6 says that Congress cannot make any laws that favor one state more than another in matters of trade and commerce. Interstate commerce was strengthened by the provision that ships from one state may enter the ports of any other state without paying charges.

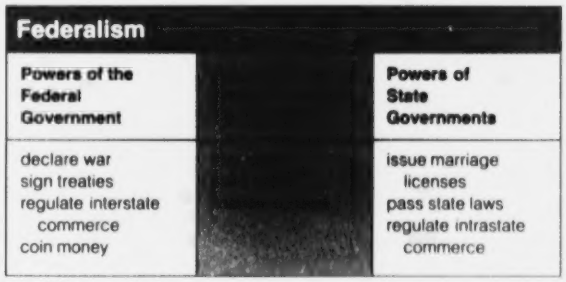
Clause 7 requires that government money be spent only after Congress passes a law for that purpose. A statement of federal income and spending must be published.

According to Clause 8, a United States official cannot have titles of nobility. A federal officer may not accept a title, position, or gift from a foreign government without the consent of Congress.

SECTION 10. Powers Denied the States

1. Restrictions. *No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.*

Clause 1 presents certain activities that State governments cannot do. States cannot: (1) make treaties; (2) permit private citizens to make war on other nations; (3) issue money; (4) disregard federal laws dealing with money; (5) pass the kinds of laws forbidden by



Section 9, Clause 3; (6) pass laws excusing people from carrying out lawful agreements; or (7) issue titles of nobility.

2. Import and Export Taxes. *No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.*

3. Peacetime and War Restraints. *No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.*

Clauses 2 and 3 specify the following things that states may do only with the consent or approval of Congress: (1) tax goods entering or leaving a state beyond what is needed to cover costs of inspection; (2) tax ships; (3) keep state troops or warships in time of peace; (4) make separate alliances with other states or foreign countries; and (5) go to war.

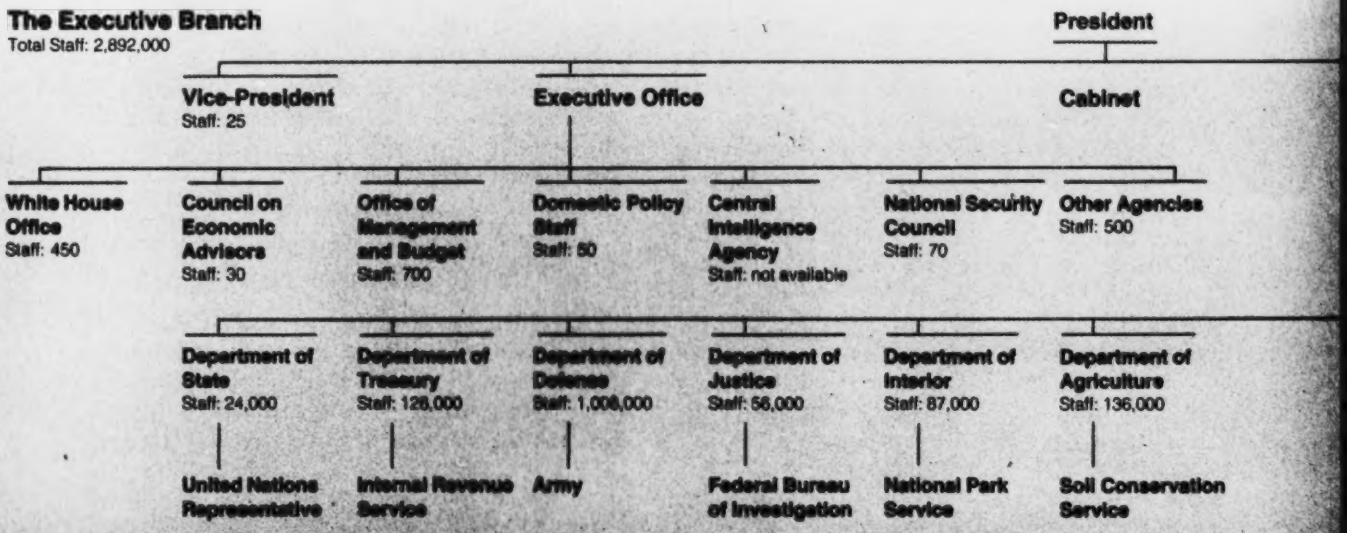
ARTICLE 2. The Executive Department

The President is given a number of powers in the Constitution, but the Constitution is vague about how the President is to use these powers. The primary responsibility of the President is to **execute,** or carry out, the laws of the United States. The President's strength lies in his or her interpretation of the Constitution and how the powers are used.

The powers of the President have grown since the writing of the Constitution. Strong Presidents have expanded the powers of the chief executive and the *executive* department. Although the specified powers of the President have not changed, presidential customs have.

SECTION 1. The Presidency

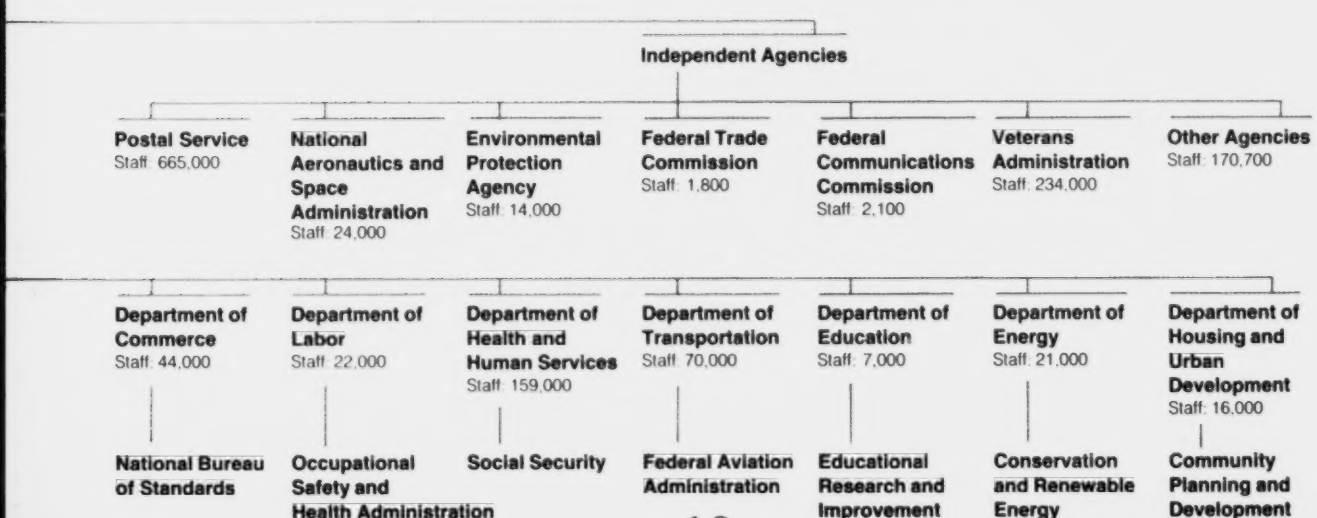
1. Term of Office. *The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years and, together with the Vice-President, chosen for the same term, be elected as follows.*



Powers and Levels of Government				
Powers	**Federal**	**State**	**Local**	
			City	**School**
Legislative	Congress	State Legislature	City Council	School Board
Executive	President	Governor	Mayor or City Manager	Superintendent
Judicial	Federal District Court	State Court	Traffic Court	School Board

2. **Electoral College.** *Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.*

3. ~~**Former Method of Electing President.**~~ ~~*The electors shall meet in their respective states and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify and transmit, sealed, to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed, and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President, and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the vote shall be taken by states, the representation from each state having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*~~



4. Election Day. *The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.*

Full executive power of the United States is vested in the President, who holds office for a four-year term. The people of the United States do not vote directly for the President. Each state chooses electors who in turn make up the *electoral college*. Each state has as many electors as it has members of Congress.

Clause 3 describes the original method for electing the President and Vice-President. This procedure was changed by the Twelfth Amendment after the election of 1796 resulted in a President and Vice-President of different political parties being elected.

Clause 4 provides that the day when electors vote must be the same throughout the United States. When citizens go to the polls on the first Tuesday after the first Monday in November to vote for the President and Vice-President, they vote for the electors. The electors cast their votes on the first Monday after the second Wednesday in December. Only Congress has the power to set or change these days regarding electors.

5. Qualifications. *No person except a natural-born citizen ~~or citizen of the United States at the time of the adoption of this Constitution~~ shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years and been fourteen years a resident within the United States.*

Requirements for Holding Federal Office

House of Representatives	25	state in which elected	7 years
Senate	30	state in which elected	9 years
President	35	14 years in the United States	natural-born
Supreme Court	none	none	none

6. Succession. *In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.*

Clause 5 states that the President of the United States must be at least thirty-five years of age, a native citizen, and must have lived in the United States at least fourteen years.

Clause 6 has been changed by the Twenty-Fifth Amendment. This amendment clarifies the procedure for dealing with vacancies in the offices of President and Vice-President.

7. Salary. *The President shall at stated times receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.*

The President's salary is $200,000 a year, with a $50,000 annual allowance for expenses and additional allowances for travel, staff support, and maintenance of the White House. After leaving office, the President is eligible for a pension of $69,630 per year, clerical assistants, office space, and free mailing privileges. Widowed wives of former Presidents get a pension of $20,000 per year. The President may not receive any other pay from the federal government or from the states.

8. Oath of Office. *Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."*

The Constitution does not say who shall give the oath to the newly-elected President. Presidents have

The System of Checks and Balances

Branch	Powers	Checks
Executive (President)	**President** enforces laws; appoints officers; makes treaties; appoints Supreme Court judges; serves as commander in chief of the United States Army and Navy and of the state militia.	**Congress** shelves bills proposed by President; overrides vetoes; refuses to confirm appointments and to ratify treaties; impeaches the President. **Supreme Court** declares laws or executive acts unconstitutional.
Legislative (Congress)	**Congress** passes laws; approves treaties and appointments; provides for and maintains the navy and for calling of the militia; collects taxes; pays debts; borrows and coins money; regulates trade.	**President** vetoes laws; calls special sessions of Congress. **Supreme Court** interprets laws and treaties; reviews constitutionality of laws.
Judicial (Courts)	**Supreme Court** interprets laws and treaties; judges appointed for life; Chief Justice presides at impeachment of President.	**President** appoints judges but cannot remove them; grants pardons. **Congress** decides jurisdiction of federal courts; sets up lower courts; approves appointments of judges; impeaches judges; tries impeachments.

been sworn in by Supreme Court justices, by judges, and by ministers. Today, however, the Chief Justice usually administers the oath of office.

SECTION 2. Powers of the President

1. Military Powers. *The President shall be commander in chief of the Army and Navy of the United States, and of the militias of the several states when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment.*

2. Treaties, Appointments. *He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.*

3. Vacancies. *The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.*

Clause 1 ensures that the military is clearly under civilian control. The executive departments mentioned have grown in number and size over the years. This clause prompted President Washington to start a **cabinet,** or group of advisers.

Clause 2 is the basis of an important check on the powers of the President—the President's need for the "advice and consent" of the Senate. The President can make treaties and appoint officials only with a two-thirds approval from the Senate. Sometimes the President enters into an **executive agreement** with a foreign country. This has the force of a treaty and does not require Senate approval.

Clause 3 indicates that when the Senate is not in session, the President can make temporary appointments requiring no Senate confirmation.

SECTION 3. Presidential Duties

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions,

convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

This section identifies four major responsibilities of the President: (1) legislative—the President must give a State of the Union message to Congress each year; (2) diplomatic—the President must receive the representatives of foreign countries; (3) executive—the President must faithfully carry out the laws of the land; (4) military—the President, as the nation's commander in chief, grants every military officer his or her **commission**, or rank and authority.

SECTION 4. Impeachment

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

President Andrew Johnson was impeached by the House and tried by the Senate. The necessary two-thirds majority of Senators did not vote him guilty, so he remained President. President Richard Nixon resigned in 1974 before he could be impeached.

ARTICLE 3. The Judicial Department

The Constitution devotes fewer words to the *judicial* branch than the other two branches. Yet this branch is as powerful as the others.

SECTION 1. Federal Courts and Judges

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation, which shall not be diminished during their continuance in office.

The Constitution keeps the courts independent from both the President and Congress. Unless judges are impeached and convicted, they can hold their jobs for life. Only two Presidents have tried to change the membership of the Supreme Court. Jefferson did so by the attempted impeachment of Samuel Chase in 1805. Years later, Franklin D. Roosevelt attempted to place additional members on the bench. Neither President was successful.

SECTION 2. The Court's Authority

1. General Authority. *The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.*

2. Supreme Court. *In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.*

3. Trial by Jury. *The trial of all crimes except in cases of impeachment shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.*

The first clause establishes the Supreme Court's right to declare laws of Congress unconstitutional. This right was established by Chief Justice Marshall's decision in *Marbury* v. *Madison* (See page 29.) **Judicial review** is the power to review a law and decide whether it violates the Constitution.

According to the second clause, the Supreme Court has **original jurisdiction**, primary responsibil-

ity, in cases affecting representatives of foreign countries and in cases in which a state is one of the parties. These go directly to the Supreme Court.

The Supreme Court has **appellate jurisdiction,** the right to review appeals, in other kinds of cases. These cases are tried first in a lower court and then may come up to the Supreme Court for review if Congress authorizes an appeal. Congress can take away the right to appeal to the Supreme Court or fix the procedures to present an appeal.

Clause 3 guarantees trial by *jury* to anyone accused of a crime against the federal government, except an impeached official. The trial is held in the state where the crime was committed. If the crime occurred in a place other than a state, Congress can determine the trial site.

SECTION 3. Treason

> **1. Definition.** *Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.*
>
> **2. Punishment.** *The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.*

The constitutional definition of treason is limited to starting war against the United States or joining or giving aid to its enemies. Because of the strict definition, Aaron Burr was found not guilty when he was charged with treason after the killing of Alexander Hamilton during a duel. Treason is the only crime defined in the Constitution. The phrase *no attainder of treason shall work corruption of blood* means that the family of a convicted traitor does not share the guilt of the traitor. Formerly, a traitor's family could also be punished.

ARTICLE 4. Relations Among States

Much of this article is based on the Articles of Confederation. States must honor one another's laws, records, and court rulings. Congress has the power to make laws forcing the states to respect each other's laws, records, and decisions.

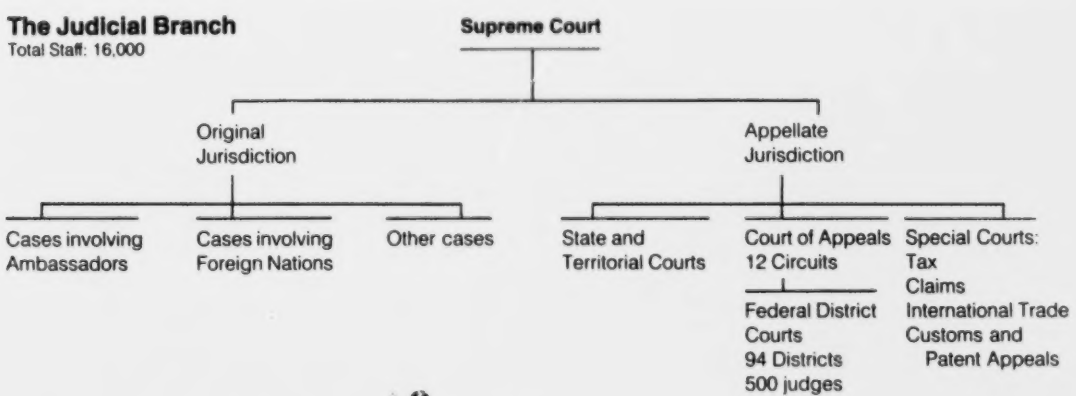
SECTION 1. State Acts and Records

> *Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.*

Section 1 demands that states respect each other's laws regarding public information about births, deaths, wills, and marriages.

SECTION 2. Rights of Citizens

> **1. Citizenship.** *The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.*
>
> **2. Extradition.** *A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered*



up, to be removed to the state having jurisdiction of the crime.

3. Fugitive Slaves. ~~*No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.*~~

Citizens traveling from state to state enjoy all the rights and privileges of the citizens of those states.

If a person is charged with a *felony* or other serious crime in one state and flees to another state, that person must be returned to the first state upon that governor's request. This is called **extradition.** Sometimes extradition of a person is refused.

The Thirteenth Amendment renders the third clause obsolete.

SECTION 3. New States

1. Admission. *New states may be admitted by Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.*

2. Congressional Authority. *The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.*

Congress can admit new states into the Union and control all federal property. This section also allows Congress to establish governments for land under United States guardianship, like Puerto Rico. Clause 2 also allows Congress to establish national parks.

This section once permitted Congress to deal with the question of slavery in the territories.

SECTION 4. Guarantees to the States

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

This section insures that each state is a republic. A *republic* is a form of government in which the people elect officials to represent them.

This section also guarantees each state federal protection against invasion and domestic violence. President Eisenhower used this power in 1957 when he ordered the Arkansas National Guard into federal service at Central High School in Little Rock.

ARTICLE 5. Amending the Constitution

The Fifth Article explains the process of **amending,** or changing, the Constitution. This article gives the Constitution its flexibility, one of its strongest features. Custom has provided that all amendments (the Twenty-First Amendment being the only exception to the custom) be proposed by two-thirds vote in Congress and ratified by state legislatures.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, provided ~~*that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the Ninth Section of the First Article, and*~~ *that no state, without its consent, shall be deprived of its equal suffrage in the Senate.*

Over the years, seven thousand amendments have been proposed in Congress, but only thirty-three have been passed and submitted to the states. To date, twenty-six have been ratified, and at least one is still being considered by the states. Since the early 1900s, most of the proposed amendments have included a clause that ratification had to be obtained within seven years.

Amending the Constitution	
Proposing Amendments	Ratifying Amendments
1. 2/3 of each house of Congress	1. 3/4 of the state legislatures
2. convention called by 2/3 of the state legislatures	2. 3/4 of special conventions held in each state

Through the years, the Constitution has been changed by the interpretation of the Supreme Court as well as by amendment. In fact, the Court has been labeled "a continuing constitutional convention" because of its changing attitudes and opinions.

ARTICLE 6. Supremacy of the National Government

1. Valid Debts. *All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.*

2. Supreme Law. *This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.*

3. Loyalty to Constitution. *The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.*

This article asserts that all debts under the Articles of Confederation will be honored. Clause 2 establishes that the supreme law of the land is based on: (1) the Constitution; (2) federal laws; and (3) all treaties. According to Clause 3, all government officials must promise to support the Constitution. The third clause also forbids religious qualifications as a condition for holding a government job.

ARTICLE 7. Ratification

The framers set up an orderly procedure for the Constitution to be approved by the states. The Constitution did not require unanimous support to become effective.

The ratifiction of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

George Washington—*President and deputy from Virginia*

DELAWARE
George Read
Gunning Bedford, Junior
John Dickinson
Richard Bassett
Jacob Broom

MARYLAND
James McHenry
Dan of St. Thomas Jenifer
Daniel Carroll

VIRGINIA
John Blair
James Madison, Junior

NORTH CAROLINA
William Blount
Richard Dobbs Spaight
Hugh Williamson

NEW HAMPSHIRE
John Langdon
Nicholas Gilman

MASSACHUSETTS
Nathaniel Gorham
Rufus King

CONNECTICUT
William Samuel Johnson
Roger Sherman

NEW YORK
Alexander Hamilton

NEW JERSEY
William Livingston
David Brearley
William Paterson
Jonathan Dayton

SOUTH CAROLINA
John Rutledge
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler

GEORGIA
William Few
Abraham Baldwin

PENNSYLVANIA
Benjamin Franklin
Thomas Mifflin
Robert Morris
George Clymer
Thomas FitzSimons
Jared Ingersoll
James Wilson
Gouverneur Morris

Student Review

COMPREHENSION Developing Vocabulary

Match each term with the correct definition:

1. writ of habeas corpus
2. elastic clause
3. patent
4. judicial review
5. impeachment
6. cabinet
7. republic

a. accusing a public official of a crime or misbehavior
b. legal order protecting people from being held in jail on little evidence
c. President's advisers
d. power to examine a law and see if it violates the Constitution
e. form of government in which people elect officials to represent them
f. official document that protects an invention
g. part of Constitution allowing Congress to deal with issues not specifically mentioned

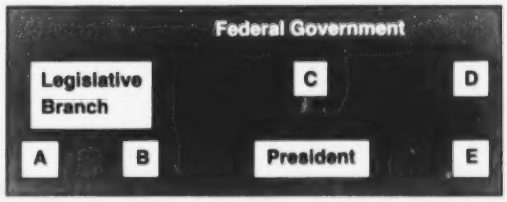
COMPREHENSION Mastering Facts

Identify the article of the Constitution from which each excerpt has been taken:

1. _____ "The Congress shall have power to lay and collect taxes. . . ."
2. _____ "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may . . . establish."
3. _____ "This Constitution . . . shall be the supreme law of the land. . . ."
4. _____ "The citizens of each state shall be entitled to all privileges . . . of citizens in the several states. . . ."
5. _____ "The President shall be commander in chief of the Army and Navy. . . ."
6. _____ "We, the people of the United States . . . do ordain and establish this Constitution for the United States of America."
7. _____ "Amendments . . . shall be valid . . . when ratified by the legislatures of three-fourths of the several states. . . ."
8. What powers does the Senate have that the House does not have? What powers does the House have that the Senate does not have?
9. Indicate which branch of government has each of the following powers: (a) declare war; (b) collect taxes; (c) make treaties; (d) appoint ambassadors; (e) regulate trade with foreign nations; (f) coin money; (g) grant pardons.

APPLICATION Interpreting Charts

1. Refer to the chart on page 11. How is a state government organized like the federal government? How is it different?
2. This chart shows the organization of our government. Identify the missing parts:



EVALUATION Relating Past to Present

1. Explain how Congress has the authority to regulate nuclear wastes, radio stations, and other issues that were unknown to the writers of the Constitution.
2. Which two powers of Congress listed in Article 1, Section 8, affect you directly? Explain.

CONCEPTS Understanding Government

1. Federalism: Write a paragraph explaining the concept of federalism.
2. Separation of Powers: Explain how this idea is used in the Constitution.
3. Checks and Balances: Name one "check" that each branch has over the other branches. How does this system create "balance"?

CONCEPTS Developing Effective Citizenship

1. Are amendments to the Constitution ever voted on directly by citizens? What role do individual citizens have in proposing and ratifying amendments?
2. Without using outside references, name as many of the following as you can: President; Vice-President; the two Senators from your state; your Representative; Chief Justice of the Supreme Court; members of the cabinet. Where could you find the names of the people currently holding these posts? Why is it important to know who these people are and how they vote on important issues?

Amendments to the Constitution

Bill of Rights

The first ten *amendments* to the Constitution are known as the *Bill of Rights*. These amendments were added to the Constitution on December 15, 1791—one year after the last state ratified the Constitution. James Madison drafted the Bill of Rights. He had not forgotten that five states had approved the Constitution only after stressing the need for such an for such an addition.

AMENDMENT 1. Religious and Political Freedoms (1791)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The First Amendment protects the cornerstones of *civil rights*: (1) freedom of religious worship; (2) freedom of speech; (3) freedom of the press; (4) freedom to assemble; and (5) the right to voice complaints to the government. The Supreme Court has applied this amendment to a variety of situations.

The First Amendment allowed Lemuel Haynes to become the first black minister of a Congregational Church.

AMENDMENT 2. Right to Bear Arms (1791)

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

A citizen's right to bear arms is related to the maintenance of a *militia*. Various restrictions have been placed on this right, including the requirement of gun licenses and the restricted right to carry concealed weapons.

AMENDMENT 3. Quartering Troops (1791)

No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

Soldiers cannot be stationed in a private home during peacetime without the owner's consent. Soldiers can be stationed in homes during wartime only if Congress passes such a law.

AMENDMENT 4. Search and Seizure (1791)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

This amendment requires authorities to obtain a specific search or arrest warrant from a judge before searches or seizure of property can take place. If evidence is obtained illegally, it is not allowed in court. Recently, this amendment has been applied to evidence secured through wiretapping. This guarantees an individual's right to privacy. A person requesting a warrant has to furnish very specific information to legal authorities.

AMENDMENT 5. Rights of Accused Persons (1791)

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

This amendment protects the rights of those who have been accused of some crime. A **capital crime** is one punishable by death. An **infamous crime** is punishable by death or imprisonment. A *grand jury* is a special group of people selected to decide whether there is enough evidence against a person to hold a trial. A person cannot be tried for the same offense by the same government twice. A person cannot be forced to say anything in a federal court that will incriminate him or her.

The federal government cannot take a person's life, freedom, or property except by *due process* of the law. The Fourteenth Amendment applies this law to the states, too.

The government cannot take private property for public use without fair payment. The government's right to take property for public use is called **eminent domain.** This land is usually used for public facilities such as parks, playgrounds, schools, highways, or government buildings.

AMENDMENT 6. Rights to a Speedy, Public Trial (1791)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

A person accused of a crime is entitled to a prompt public trial before an unbiased jury chosen from the district where the crime was committed. The accused must be told what he or she is accused of and must be present when witnesses testify against him or her. The accused has the right to have the court call witnesses in his or her favor and to have an attorney. If the accused cannot afford a lawyer, one will be appointed at government expense. (See *Miranda* case on pages 32–33.)

AMENDMENT 7. Trial by Jury in Civil Cases (1791)

In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

Common law is unwritten law based on custom and use. **Statute law** is written law. Although trial by jury is guaranteed in cases involving more than twenty dollars, more is usually at stake before a case is heard in federal court.

AMENDMENT 8.
Limits of Fines and Punishments (1791)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

An accused person cannot be required to pay an unnecessarily large bail. **Bail** is the security given by the accused to guarantee his or her appearance for trial. What constitutes "cruel and unusual punishment" is still debated. In 1972, for example, the Supreme Court ruled in *Furman* v. *Georgia* that in some cases the death penalty violated the Eighth Amendment. But in 1976 the Court said that capital punishment was "not unconstitutionally severe."

AMENDMENT 9. **Rights of People (1791)**

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The people have many rights. Some are listed in the Constitution; others are not. This amendment reaffirms that the people remain the source of power.

AMENDMENT 10.
Powers of the States and People (1791)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

The United States has only the specific powers given to it by the Constitution. All other powers, unless they are specifically denied to the states, belong to the states or to the people. The source of power of the federal government rests on what the states and people give to it.

Additional Amendments

AMENDMENT 11.
Lawsuits Against States (1798)

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

Citizens of one state cannot sue another state in the federal courts. An individual, however, can sue state authorities in federal court for taking away his constitutional rights. This amendment changes part of Article III, Section 2, Clause 1.

AMENDMENT 12.
Election of Executives (1804)

The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by the states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. ~~And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President~~. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then, from the two highest numbers on

the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The Twelfth Amendment is designed to avoid the problems experienced in the election of 1800. It provides that members of the Electoral College (Electors) vote for one person as President and another as Vice-President.

In the event no presidential candidate receives a majority of votes, the House of Representatives is required to choose the President from the top three candidates. Each state has a single vote. In the event no vice-presidential candidate receives a majority of votes, the Senate must elect one from the top two candidates. The House has chosen two Presidents, Thomas Jefferson (1800) and John Q. Adams (1824).

The part crossed out was changed by Amendment 20 in 1933.

AMENDMENT 13. Slavery Abolished (1865)

Section 1. *Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.*

Section 2. *Congress shall have power to enforce this article by appropriate legislation.*

Since all slaves were not free at the end of the Civil War, this amendment was necessary to abolish slavery in the United States. This Amendment also guarantees that no one can be forced to work against his or her will except as punishment for a crime.

Congress can pass whatever laws are necessary to enforce this amendment.

AMENDMENT 14. Civil Rights (1868)

Section 1. *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.*

The first section defined *citizenship*, applied the definition to the former slaves, and prohibited states from limiting the immunity and rights of citizens as stated in the Constitution. Many Supreme Court rulings on civil rights have resulted from the statement that a state cannot deny anyone "equal protection of the laws." The Supreme Court outlawed segregation in public schools on the basis of this statement, saying everyone, regardless of race, must have an equal opportunity for education.

Section 2. *Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.*

The second section specifies how Representatives shall be distributed among the states. It cancelled the Three-Fifths Compromise of Article 1, Section 2. It was supposed to extend the right to vote to all twenty-one-year-old males, including the former slaves. The penalty for a state's refusing to comply with this section was to be reduction of that state's representation in Congress. This provision was never enforced.

Section 3. *No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any state, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer*

of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house remove such disability.

Section 4. *The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection and rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.*

Section 5. *The Congress shall have power to enforce by appropriate legislation the provisions of this article.*

These sections were intended to punish Confederate leaders during the post-Civil War period. By 1898 all had been pardoned and had returned to political life.

The Union debt for the Civil War was paid, while the Confederate debt was declared void. No one was paid for loss of slaves.

AMENDMENT 15. Right to Vote (1870)

Section 1. *The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.*

Section 2. *The Congress shall have power to enforce this article by appropriate legislation.*

This amendment attempted to insure black males the right to vote. But blacks were often kept from the polls, and further federal action was needed.

AMENDMENT 16. Income Tax (1913)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

Congress can pass and collect income taxes. These taxes do not have to be divided among the states according to the population. Today, income taxes are the federal government's greatest source of revenue. This amendment changes Article 1, Section 9, Clause 4 of the Constitution.

AMENDMENT 17. Direct Election of Senators (1913)

Clause 1. *The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.*

Clause 2. *When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.*

Clause 3. *This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.*

The Seventeenth Amendment changed Article 1, Section 3, Clause 1. By providing for their direct election, this amendment persuaded Senators to become more responsible to the voters of their state.

AMENDMENT 18. Prohibition (1919)

~~**Section 1.** *After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.*~~

~~**Section 2.** *The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.*~~

~~**Section 3.** *This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.*~~

This amendment which banned people from making, selling, or transporting liquor was later repealed by the Twenty-First Amendment.

AMENDMENT 19. Women's Suffrage (1920)

Clause 1. *The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.*

Clause 2. *Congress shall have power to enforce this article by appropriate legislation.*

For more than forty years, amendment after amendment regarding women's right to vote had been introduced in Congress. *Suffrage* was finally extended to women in 1920.

AMENDMENT 20. "Lame Duck" Sessions (1933)

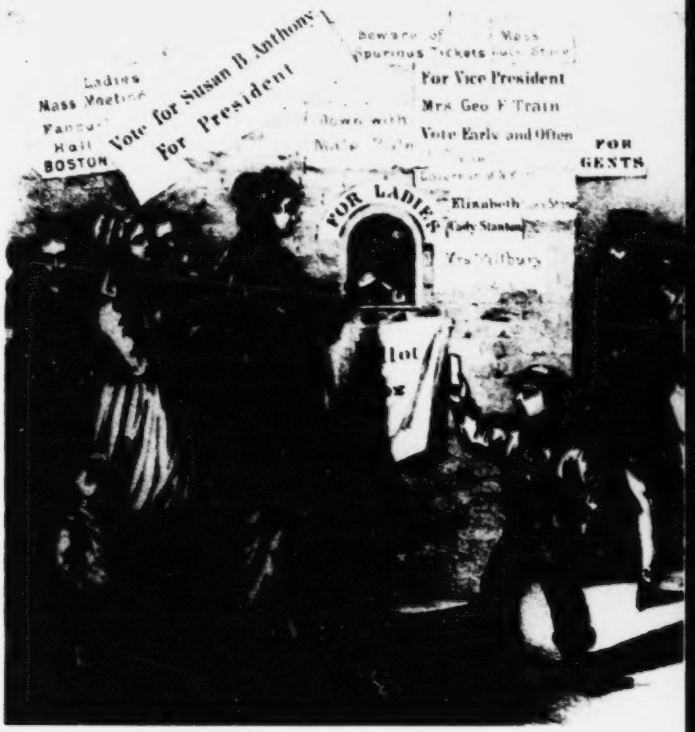
Section 1. *The terms of the President and Vice-President shall end at noon on the twentieth day of January, and the terms of Senators and Representatives at noon on the third day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.*

This amendment provides for the efficient transfer of power among elected officials. Originally, a defeated official would continue in office for several months before the replacement was installed. This situation was compared to that of a "lame duck" whose wings were clipped. Usually very little was accomplished during these months.

The terms of President and Vice-President end on January 20 instead of March 4, and the terms of the Senators and Representatives end on January 3 of the same year they ended prior to this amendment. All successors begin their jobs at that time.

Section 2. *The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January unless they shall by law appoint a different day.*

Congress must meet once every year beginning on January 3 at noon unless another date is established by law. This amendment changes Article 1, Section 4, Clause 2.



Forty years after the first introduction of a bill in Congress, women secured voting rights. Susan B. Anthony was arrested for voting in 1872.

Section 3. *If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.*

This section describes the succession to the presidency if the President-elect should die before taking office on January 20. If the Vice-President-elect is unavailable, Congress must temporarily fill the office of President.

Section 4. *The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.*

Section 5. *Sections 1 and 2 shall take effect on the fifteenth day of October following the ratification of this article.*

Section 6. *This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission.*

If a candidate dies while his or her name is on a list from which the House of Representatives or Senate must choose a President or Vice-President, Congress then decides the proper procedure for the House and Senate to follow.

Sections 1 and 2 of this amendment became law on October 15 after three-fourths of the states ratified this amendment.

AMENDMENT 21.
Repeal of Prohibition (1933)

Section 1. *The eighteenth article of amendment to the Constitution of the United States is hereby repealed.*

Section 2. *The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.*

Section 3. *This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by convention in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.*

In view of widespread violations of prohibition, there was a growing fear that disrespect for this one law would breed disrespect for all laws. This amendment repealed the Eighteenth Amendment. This is the only amendment that has ever been ratified through special state conventions.

AMENDMENT 22.
Limit on Presidential Terms (1951)

Section 1. *No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once.* ~~*But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President, or acting as President during the remainder of such terms.*~~

Ever since George Washington served as President of the United States for two terms, a tradition limiting a President to two terms was established. The elections of Franklin Roosevelt in 1940 and 1944 broke the two-term tradition. This amendment gives that tradition the force of law. The obsolete portions were written so as not to apply to President Truman, who was in office at the time of ratification.

AMENDMENT 23.
Voting in District of Columbia (1961)

Section 1. *The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:*

A number of electors of President and Vice-President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice-President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. *The Congress shall have the power to enforce this article by appropriate legislation.*

The District of Columbia has the right to participate in the election of the President and Vice-Presi-

dent of the United States. It has three electoral votes—the same number of votes as the state with the smallest population.

This amendment did not provide representation in Congress or a system of home rule municipal government for the district.

AMENDMENT 24.
Abolition of Poll Taxes (1964)

Section 1. *The right of citizens of the United States to vote in any primary or other election for President or Vice-President, for electors for President or Vice-President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll or other tax.*

Section 2. *The Congress shall have power to enforce this article by appropriate legislation.*

Poll taxes in federal elections are prohibited. Previously, some southern states had used a poll tax as a way to prevent blacks from voting.

AMENDMENT 25.
Presidential Disability, Succession (1967)

Section 1. *In case of the removal of the President from office or his death or resignation, the Vice-President shall become President.*

This amendment resulted from President Dwight Eisenhower's serious illnesses while in office. It clarifies Article 2, Section 1, Clause 6 regarding a President's disability. Its purpose was to avoid: (1) a lapse in the functioning of the presidency if the elected President was not able to perform the job; and (2) a situation in which the President's personal advisers might take over without legal authority.

In 1973, when Vice-President Spiro Agnew resigned, President Richard Nixon nominated Republican Representative Gerald R. Ford to take his place. Upon Nixon's resignation, Ford became President. President Ford then appointed Nelson Rockefeller as Vice-President. Mr. Rockefeller's appointment was confirmed by a vote of Congress.

Section 2. *Whenever there is a vacancy in the office of the Vice-President, the President shall nominate a Vice-President who shall take the office upon confirmation by a majority vote of both houses of Congress.*

Section 3. *Whenever the President transmits to the president pro tempore of the Senate and the speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice-President as Acting President.*

Section 4. *Whenever the Vice-President and a majority of either the principal officers of the executive departments, or of such other body as Congress may by law provide, transmit to the president pro tempore of the Senate and the speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice-President shall immediately assume the powers and duties of the office as Acting President.*

Thereafter, when the President transmits to the president pro tempore of the Senate and the speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice-President and a majority of either the principal officers of the executive department, or of such other body as Congress may by law provide, transmit within four days to the president pro tempore of the Senate and the speaker of the House of Representatives their written declaration that the president is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within 48 hours for that purpose if not in session. If the Congress, within 21 days after receipt of the latter written declaration, or if Congress is not in session, within 21 days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is unable to discharge the powers and duties of his office, the Vice-President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

The Vice-President becomes Acting President whenever the President makes a written declaration to the heads of Congress that he is unable to carry out his duties. The Vice-President also becomes the Act-

ing President when the Vice-President and a majority of the cabinet make a written declaration to the president pro tempore of the Senate and to the speaker of the House of Representatives that the President is unable to perform his duties.

If the President later notifies the president pro tempore of the Senate and the speaker of the House of Representatives that he can resume his duties, he then does so. If a controversy occurs about the President's ability to perform his duties, Congress decides the question. If two-thirds of both the Senate and the House of Representatives decide that the President is unable to perform his duties, then the Vice-President continues as Acting President.

AMENDMENT 26.

Eighteen-year-old Vote (1971)

Section 1. *The right of citizens of the United States, who are eighteen years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.*

Section 2. *The Congress shall have the power to enforce this article by appropriate legislation.*

This amendment gives eighteen-year-olds the right to vote.

Student Review

COMPREHENSION Developing Vocabulary

1. Explain each of the following terms: amendment, Bill of Rights, grand jury, eminent domain, suffrage, civil rights, citizenship, due process.
2. What is the difference between common law and statute law?
3. Explain why the Twentieth Amendment is called the "lame duck" amendment.

COMPREHENSION Mastering Facts

1. Use a short phrase to identify the content of each of the amendments in the Bill of Rights.
2. What "five freedoms" are guaranteed to Americans by the First Amendment?
3. According to the Fourth Amendment, under what conditions can a search warrant be issued? What must be described in the warrant?
4. What phrase in the Fifth Amendment protects individuals from being tried more than once for the same offense?
5. List the rights that are protected by the Sixth Amendment.
6. What is the purpose of the Ninth Amendment to the Constitution?
7. If no presidential candidate receives a majority of electoral votes, how is the President chosen? When has this occurred?
8. Which amendment outlawed slavery? Which amendment set up dual citizenship in both a state and the United States?
9. In what year did women obtain suffrage?
10. Which President began the tradition of not serving more than two terms? Which President broke the tradition? What is the maximum number of years one individual can serve as President?
11. Poll taxes were finally abolished in 1964. How had they once been used to get around provisions of the Fifteenth Amendment?
12. List the circumstances under which a Vice-President may become an Acting President.

EVALUATION Relating Past to Present

1. Which amendment allows the government to levy an income tax? How important is the income tax to the government today?
2. If the President died today, who would fill that office? What is the line of succession for the office of President?
3. In what cases does an individual have a right to a jury trial? How has the significance of these requirements changed over the years?

CONCEPTS Understanding Government

1. According to the Fourteenth Amendment, what is your status as a citizen?
2. List the states you can sue in federal court, according to the Eleventh Amendment.
3. Will you be eligible to vote in the next presidential election? How will the Twenty-sixth Amendment affect when you can vote?

CONCEPTS Developing Effective Citizenship

1. Which five amendments expand suffrage?
2. The Fourth Amendment protects innocent people from police searches. Does it also protect criminals? Explain your reasoning.
3. Explain how each clause of the First Amendment promotes effective citizenship.
4. The Fifth and Seventh Amendments, besides protecting certain rights, imply a duty on the part of citizens. Explain what that duty is, and why performing it is important.

Interpreting the Constitution

The Constitution is not just a piece of parchment for visitors to Washington to admire as a relic of a bygone age. It is very much alive, and it affects us on a day-to-day basis.

For instance, when you apply for a job, in many cases your minimum pay is determined by Congress and the courts. Congress has passed legislation establishing a minimum wage. That minimum wage applies, however, only to jobs with companies that are involved in interstate commerce (see Article 1, Section 8). If your job is with a company that operates only locally, then state laws govern it.

As times change, so do the needs of the people. One of the Constitution's outstanding qualities is its flexibility. Conflicts continue to arise as citizens, states, and the federal government deal with new problems. Some of these conflicts are ultimately decided by the Supreme Court. The Supreme Court has the final opportunity to preserve the balance of power between the three branches of government.

In our early days, the judicial branch was the weakest of the three departments. Several important Supreme Court decisions increased the power of the Court. During the Reconstruction era, Court decisions preserved the power of the states in order to maintain the Union. Recent decisions have enlarged the rights of individuals against expanding state and federal legislation. Let us examine several of these key Supreme Court decisions.

Marbury v. *Madison* (1803)

President John Adams was bitter. He had just lost the election to Thomas Jefferson. On his last night in office, Adams appinted some of his Federalist supporters to be judges. The Judicial Act of 1789 gave him power to do this. The commissions, including one for William Marbury, were put on the Secretary of State's desk to be sealed and then delivered the next day. The Secretary of State, John Marshall, neglected to have them delivered.

When Jefferson took office, his new Secretary of State, James Madison, refused to deliver the commissions. William Marbury asked the Supreme Court to issue an order requiring Madison to hand over the commissions. John Marshall, who had become Chief Justice, wrote the decision in 1803.

Chief Justice Marshall was indeed justified in ordering Madison to deliver the commission to Marbury. Suppose, though, that Madison ignored the order with Jefferson's approval? The Supreme Court would be seriously weakened. Future Presidents might also ignore its decisions.

Marshall looked to the Constitution for guidance. According to Article 3, the Supreme Court had original jurisdiction only in "all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party." In all other cases, the Court had only appellate jurisdiction.

Justice Marshall concluded that the section of the Judiciary Act of 1789 which gave Marbury the right to demand the delivery of his commission was unconstitutional. The Judiciary Act was adding to the original jurisdiction of the Court by giving it permission to issue orders.

Justice Marshall's decision cleverly avoided making a ruling the Court could not enforce. The real issue was not whether Marbury got his job as justice of the peace, but whether the Supreme Court had the power to declare a law unconstitutional. With this decision, the Supreme Court established itself as a check on the legislative and executive departments. The Court would strike down any law which contradicted the Constitution.

William Marbury never got his commission. His loss was the country's gain—the new concept of *judicial review*.

Dartmouth College Case (1819)

Eleazar Wheelock founded Dartmouth College under a *charter* from King George III. The charter permitted him to name his ne'er-do-well son, John Wheelock, to succeed him. Opposition developed between John and the college's governing board of trustees. Finally they removed him as president. John was rich, influential, and furious. He persuaded the state legislature to pass a law changing the Dartmouth charter.

The trustees of the original college brought an action to get back the college records and seal. The trustees lost their case in the state court. Daniel Webster, a Dartmouth alumnus, handled the appeal to the Supreme Court. Webster argued:

> "This sir, is my case . . . it is the case of every college in our land. . . . It is more. It is, in some sense, the case of every man who has property of which he may be stripped, for the question is simply this: Shall our state legislature be allowed to take that which is not their own, to turn it from its original use, and apply it to such ends or purposes as they, in their discretion, shall see fit?"

The Supreme Court decided that a charter, like a *contract*, could not be changed by the state legislature. Under Article 1, Section 10, Clause 1 of the Constitution, states are forbidden to pass any law changing contract obligations. The *Dartmouth College* case extended national power at the expense of state power. It also encouraged businesses to grow without fearing state interference.

Individuals, corporations, and every private college in America can thank John Wheelock. By losing the presidency of Dartmouth, he preserved contract rights from state interference.

Gibbons v. *Ogden* (1824)

Thomas Gibbons and Aaron Ogden were partners in operating a steamboat between New Jersey and New York. The partnership broke up when Ogden accused Gibbons of cheating on business agreements. Each then began operating his own steamboat line. Ogden had a charter from the state of New York that gave him exclusive rights to the route. Gibbons had a charter from the federal government. Ogden took Gibbons to court for violating his exclusive charter.

The case worked its way through the court system. The Supreme Court finally ruled on it, with Chief Justice John Marshall writing the landmark decision. Settling the issue required Marshall to analyze the proper role of the federal government in regulating commerce. In a conflict between the federal government and a state, "the law of the state must yield," he said. Marshall gave a broad definition to the clause of the Constitution that says "Congress shall have power . . . to regulate *commerce* . . . among several states." Consequently, the charter Gibbons received from the federal government was legal, and Ogden's "exclusive" right was not. Because of Marshall's ruling, the federal government can regulate everything that crosses state boundaries, from air travel to radio signals.

In addition, by striking down Ogden's state-granted *monopoly*, Marshall paved the way for competition between companies. The authority of state governments to give exclusive charters to business firms was drastically limited. For this reason, the case is sometimes called "The Emancipation Proclamation of American Commerce."

Dred Scott Case (1857)

Dred Scott was born a slave, but he did not die a slave. Dred Scott, like William Marbury and John Wheelock, was an ordinary person who, by a series of ordinary events, changed the history of the entire nation. Dred Scott's failure to win his freedom became one of the issues leading to the Civil War and finally to the *emancipation* of all slaves.

In 1834 Dred Scott was the property of an army

surgeon living in the slave state of Missouri. The surgeon was transferred to the free state of Illinois, and later to the Wisconsin Territory, before returning to Missouri. Dred Scott accompanied the surgeon on all these moves.

After the surgeon died, Scott went to court to secure his freedom. Some abolitionists wanted to determine if a slave was freed when taken into free territory. Dred Scott became the test case. The case went through two Missouri courts. By this time the surgeon's widow had sold Scott to John Sanford.

A federal case has to involve citizens from different states (see Article 3, Section 2). Sanford was from New York. Scott had to prove he was a citizen of Missouri. The lower court ruled that Scott was a slave, and therefore not a citizen. Scott's lawyers appealed to the Supreme Court.

After much debate, the Supreme Court issued its fateful decision—that Dred Scott was a slave, not a citizen, and that slaves were property and did not even have the right to bring a suit. Congress could not interfere with property rights; therefore, Congress had no power to prohibit slavery in the territories—lands which were the common property of all the states. Although slavery was the issue in this case, the court declared that no black, free or slave, could claim United States citizenship. The Constitution was made by and for white people only.

Two judges disagreed with the majority opinion. They each wrote separate statements. In fact, none of the judges could agree on the exact reason for the decision. So, each judge wrote his own opinion.

Among lawyers there is a saying, "Hard cases make bad law." *Dred Scott* was the hardest of cases. It involved moral and political issues as well as legal questions. The consequences of the case were far-reaching. The Court suffered and the nation suffered. Perhaps the only one who did not suffer was Dred Scott; his owner freed him just weeks after the Court's decision. It took the passage of the Fourteenth Amendment to extend citizenship to blacks, thus reversing the *Dred Scott* decision.

Schenck v. *United States* (1919)

The First Amendment states clearly and simply, "Congress shall make no law . . . *abridging* the freedom of speech. . . ." That phrase, though, has been the subject of numerous difficult court cases. Can a person say anything at any time? If not, what restrictions are constitutional?

During every war in the history of the United States, civil rights have been challenged in the name of national unity. One task of the courts is to restrain the fears that develop during wars so that liberty is not destroyed. During World War I, one act passed out of fear of subversion was the Espionage Act. The act made it illegal to disrupt recruitment efforts by the military. Richard Schenck was arrested for violating this act. He had distributed circulars to men urging them to resist the draft. His defense was that he was protected by the First Amendment.

In the case, the debate focused not on Schenck's action, but on the Espionage Act. Did it, as Schenck argued, violate the First Amendment? In the unanimous Supreme Court ruling, Justice Oliver Wendell Holmes explained what the First Amendment protected and what it did not. He wrote:

> "We admit that in many places and in ordinary times the defendants [Schenck and others] in saying all that was said in the circular would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it is done. The most stringent [strongest] protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic. The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive [serious] evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war, many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no court could regard them as protected by any constitutional right."

The Court ruled against Schenck. What the First Amendment protected depended on the conditions in society. This interpretation became known as the "clear and present danger doctrine."

Brown v. *Board of Education* (1954, 1955)

Racial discrimination continued to plague the United States long after slavery was abolished. The United States was, in many ways, two societies, one black and one white. In 1896 the Supreme Court ruled in *Plessy* v. *Ferguson* that *segregation* was legal as long as each race was provided equal facilities. "Separate but equal" became the law of the land. In practice, facilities such as schools were usually separate but unequal. White schools generally continued

to have more money, better buildings, and higher paid teachers.

In 1951 the Topeka, Kansas, school system, like systems in half the nation's states, prohibited black and white children from going to school together. Oliver Brown, a black railroad worker, protested on behalf of his daughter, Linda. There was a school near their home, but she was not allowed to attend it because it was a white school. The case worked its way to the Supreme Court, which ruled on it in 1954.

The Court's ruling in the *Brown* case said that segregation in schools was unconstitutional. The reasoning the court used was unusual. They spent little time arguing complex interpretations of the law. Rather, they focused simply on how the law made people feel. According to Chief Justice Earl Warren, segregated schools led to a "feeling of inferiority" in black children. Such a feeling could put them at a permanent disadvantage as they grew up. Consequently, segregated schools violated the equal protection clause of the Fourteenth Amendment.

Members of the Court realized the implications of their decision. Segregation was deeply ingrained in the culture of the United States. The law could be changed overnight, but the minds of people could not. So, the Court followed up its unusual reasoning with an unusual implementation. Rather than order schools desegregated at once, the Court requested that the lawyers for each side reargue the issue of how to enforce the decision. In effect, the Court ruled that school segregation was wrong, but it did not have to stop at once. People would have to wait to get their constitutional rights. A year later, the Court issued another ruling. This stated that schools were to be desegregated "with all deliberate speed." Based on the *Brown* decision, segregation in other public facilities was soon challenged and outlawed. Three decades after the *Brown* ruling, though, controversies over school integration continue.

In the twentieth century the Supreme Court has championed the rights of the individual against both state and national governments. The Fifth Amendment protects an individual from *self-incrimination*. The Sixth Amendment states than an accused is entitled to have **counsel**, a lawyer, for his defense.

What is self-incrimination? A confession is incriminating. Can a confession be used against the accused? If the accused is entitled to a lawyer but cannot afford one, must the court provide one? In a series of cases before the Supreme Court, the rights of the accused were steadily expanded, culminating in the *Miranda* case.

Major Court Decisions Since 1960

Date	Case	Topic	Decision
1961	*Mapp v. Ohio*	Rights of the Accused	Illegally obtained evidence cannot be used in a trial.
1962	*Engel v. Vitale*	School Prayer	Students in public school cannot be required to recite prayers.
1963	*Gideon v. Wainwright*	Rights of the Accused	Persons accused of crime must be given free legal counsel if they cannot afford a lawyer.
1964	*Reynolds v. Sims*	Voting	State and local election districts must be roughly equal in population.
1971	*New York Times Co. v. United States*	Freedom of the Press	Government censorship of the Pentagon papers, a series of reports on Vietnam, was not justifiable.
1972	*Furman v. Georgia*	Death Penalty	The death penalty is unconstitutional unless applied in a fair and consistent manner.
1973	*Roe v. Wade*	Individual Rights	States have limited authority to prohibit abortions.
1974	*United States v. Nixon*	Separation of Powers	The President must submit to requests for evidence in a criminal trial.
1979	*United Steelworkers of America v. Weber*	Individual Rights	Women and minorities can be given preference in hiring and in promotions in "traditionally segregated job categories."
1983	*Immigration and Naturalization Service v. Jogdish Rai Chadha*	Separation of Powers	Congress cannot veto actions taken by agencies of the executive branch.

Ernesto Miranda was arrested on charges of kidnapping and rape. He was not told of his right to have a lawyer present during questioning. Nor was he told of his right to remain silent. He was questioned for two hours, after which he broke down and confessed to the crimes. Miranda was convicted of the crimes on the basis of his confession.

The Supreme Court had to decide whether Miranda's constitutional rights had been violated. Miranda did not know that he had a right to remain silent. When the police questioned him, he confessed, thus becoming a witness against himself. Nor did Miranda know that he had a right to have a lawyer to advise him during the questioning. Did the failure to advise Miranda of his rights mean that he had been "deprived of liberty without due process"?

The Court held that it did, and that Miranda's confession could not be used as evidence. The proper way to question a suspect was explained:

> "Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant may waive . . . these rights, provided the waiver is made voluntarily, knowingly and intelligently. If, however, he indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking, there can be no questioning. Likewise, if the individual is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him. The mere fact that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney and thereafter consents to be questioned."

These warnings outlined by the Court have come to be known as reading the suspect the "Miranda rights." There is an ironic twist to the Miranda case. In January, 1976, Ernesto Miranda was killed in a fight. He was carrying a pile of "Miranda cards" that informed suspects of their rights. One of these cards was carefully read to the suspect arrested for Miranda's murder at the scene.

The framers of the Constitution created a framework for government that has functioned well for two hundred years. Its flexibility has permitted it to adjust to change. For all its adjusting, the Constitution has retained its essential shape and balance of power. But there is always the danger that one branch of government will become too powerful and the other branches too weak. It is every citizen's duty to prevent this. Like a delicate ecology system, the checks and balances must be maintained. Otherwise, America will lose the blessings of liberty which the Constitution has established.

Student Review

COMPREHENSION Developing Vocabulary

1. Explain each of the following terms: judicial review, self-incrimination, commerce, separate but equal.
2. What is meant by "free speech"? What are some of the limits on free speech?

COMPREHENSION Mastering Facts

1. What act of Congress was ruled unconstitutional in the case of *Marbury* v. *Madison*?
2. In the *Dartmouth College* case, what did the Supreme Court rule about the power of a state legislature over charters?
3. What was the Supreme Court ruling in the *Plessy* v. *Ferguson* decision?
4. What was unusual about the *Brown* decision?

EVALUATION Relating Past to Present

1. How does the *Marbury* case make the Supreme Court the final authority on the Constitution? Does this make the judicial branch more powerful than the other branches? Explain.
2. Are monopolies legal today? How has the *Gibbons* v. *Ogden* case affected the status of monopolies?

CONCEPTS
Understanding Our Nation's Heritage

1. How are your rights protected by the decision in the *Miranda* case?
2. Do you attend an integrated school? Has your school district been affected by the *Brown* decision? How could you find out more about the impact of the *Brown* decision in your school district?

CONCEPTS Developing Effective Citizenship

1. What did the Dred Scott decision say about citizenship? How did it make violent resistance to slavery more likely?
2. According to the *Schenck* case, how do conditions influence what is good citizenship?

"Can You See Me Now?"

Source: *Herblock's Special for Today* (Simon and Schuster, 1958)

Constitution Study Guide

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Ratification of the Constitution

Date of Ratification	State	Vote
December 7, 1787	Delaware	Unanimous
December 12, 1787	Pennsylvania	46 For, 23 Against
December 18, 1787	New Jersey	Unanimous
January 2, 1788	Georgia	Unanimous
January 9, 1788	Connecticut	128 For, 40 Against
February 6, 1788	Massachusetts	187 For, 168 Against
April 28, 1788	Maryland	63 For, 11 Against
May 23, 1788	South Carolina	149 For, 73 Against
June 21, 1788	New Hampshire	57 For, 47 Against
June 25, 1788	Virginia	87 For, 76 Against
July 26, 1788	New York	30 For, 27 Against
November 21, 1789	North Carolina	194 For, 77 Against
May 29, 1790	Rhode Island	34 For, 32 Against

Name _____ Date _____ Class _____ Score _____

Review Worksheet: The Constitution
Recognizing Major Parts of the Constitution

The Constitution of the United States is a remarkable document. For two centuries it has protected both the fundamental and the changing rights of Americans. The Constitution contains three major parts—the original document, the Bill of Rights, and the additional amendments. The Preamble and Articles were part of the original Constitution. The Bill of Rights—the first ten amendments—was added in 1791. The third part consists of the sixteen amendments that have been added since then by acts of Congress and the states.

The chart shows the three major parts. Below are excerpts from the Constitution. Identify the article or amendment from which each excerpt is taken. Then answer the questions.

1. _____ "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may . . . establish."

2. _____ "This Constitution . . . shall be the supreme law of the land. . . ."

3. _____ "The President shall be commander in chief of the Army and Navy of the United States. . . ."

4. _____ "Congress shall have the right to declare war. . . ."

5. _____ "We, the people of the United States . . . do ordain and establish this Constitution for the United States of America."

6. _____ "Amendments, . . . shall be valid . . . when ratified by the legislatures of three-fourths of the several states. . . ."

7. _____ "The citizens of each state shall be entitled to all privileges . . . of citizens in the several states. . . ."

8. _____ "The Congress shall have power to lay and collect taxes. . . ."

9. _____ "I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States. . . ."

The Constitution

Original Constitution	
Preamble	
Article 1	The Legislature
Article 2	The Executive Department
Article 3	The Judicial Department
Article 4	Relations Among States
Article 5	Amending the Constitution
Article 6	Role of National Government
Article 7	Ratification
Bill of Rights	
Amendment 1	Religious and Political Freedoms
Amendment 2	Right to Bear Arms
Amendment 3	Quartering Troops
Amendment 4	Search and Seizure
Amendment 5	Rights of Accused Persons
Amendment 6	Right to Speedy, Public Trial
Amendment 7	Trial by Jury in Civil Cases
Amendment 8	Limits of Fines and Punishments
Amendment 9	Rights of the People
Amendment 10	Powers of the States and People
Additional Amendments	
Amendment 11	Lawsuits Against States
Amendment 12	Election of Executives
Amendment 13	Slavery Abolished
Amendment 14	Civil Rights
Amendment 15	Right to Vote
Amendment 16	Income Tax
Amendment 17	Direct Election of Senators
Amendment 18	Prohibition
Amendment 19	Women's Suffrage
Amendment 20	"Lame Duck" Session
Amendment 21	Repeal of Prohibition
Amendment 22	Limit on Presidential Terms
Amendment 23	Voting in District of Columbia
Amendment 24	Abolition of Poll Taxes
Amendment 25	Presidential Succession
Amendment 26	Eighteen-year-old Vote

COMPREHENSION Interpreting Information

10. Which article of the Constitution lists the powers and duties of the President?

_____

APPLICATION Providing Examples

Write the number of the amendment that deals with each of the following areas.

_____ **11.** The sale of handguns.

_____ **12.** Prayer in public schools.

_____ **13.** The desegregation of schools.

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Review Worksheet: Article I
Checks and Balances

The United States Constitution is one of the oldest operating constitutions in the world today. The constitution was the product of both European and colonial experiences and a strong intellectual tradition. Those who founded the nation believed in social order and natural laws, the political authority of the people, as well as the importance of having limited government.

The Constitution established a federal system of government. A federal system means that power is divided between states and a central government. The states give up some of their power to the central government, and the central government must use that power for the good of all the people in all the states. The Constitution also separates power among the three branches of government—legislative, executive, and judicial. The powers of each branch are specified and regulated through a system of checks and balances. These checks and balances are an important element of our nation's federal system. Examine the chart before answering the questions.

The System of Checks and Balances

Branch	Powers	Checks
Executive (President)	**President** enforces laws; appoints officers; makes treaties; appoints Supreme Court judges; serves as commander in chief of the United States Army and Navy and of the state militia.	**Congress** shelves bills proposed by President; overrides vetoes; refuses to confirm appointments and to ratify treaties; impeaches the President. **Supreme Court** declares laws or executive acts unconstitutional.
Legislative (Congress)	**Congress** passes laws; approves treaties and appointments; provides for and maintains the navy and calling of the militia; collects taxes; pays debts; borrows and coins money; regulates trade.	**President** vetoes laws; calls special sessions of Congress. **Supreme Court** interprets laws and treaties; reviews constitutionality of laws.
Judicial (Courts)	**Supreme Court** interprets laws and treaties; judges are appointed for life; Chief Justice presides at impeachment of President.	**President** appoints judges but cannot remove them; grants pardons. **Congress** decides jurisdiction of federal courts; sets up lower courts; approves appointments of judges; impeaches judges; tries impeachments.

COMPREHENSION
Summarizing Main Ideas

1. Briefly explain the system of checks and balances. Why was such a system developed?

_____

_____

_____

2. Upon what principles is the Constitution based?

_____

APPLICATION
Providing Examples

3. List examples from American colonial history that show how the nation's founders were sensitive to a need for checks and balances.

_____

_____

_____

_____

_____

4. How have checks and balances been used recently?

_____

EVALUATION
Forming Generalizations

5. Do you think that the three branches of government currently have equal power, or has one branch acquired more power than the others? Explain.

_____

_____

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Review Worksheet: Article 2
Electing a President

Few clauses in the Constitution seem more confusing and out-of-date than the clause that creates the Electoral College. In fact, the concept of indirectly electing a President seems to many voters today almost undemocratic.

Is the Electoral College a political dinosaur? Is an amendment needed to allow voters to elect the President and Vice-President by direct popular vote? What might be some of the consequences of such an election reform? The answers to these questions are complex and subject to interpretation and value judgments.

It may be helpful, however, to examine the original purposes of the Founding Fathers. These writers of the Constitution were concerned with the ability of the people to wisely choose a leader. It should be remembered that, at that time, few ordinary people had a formal education. Also, because of poor communication and transportation it was difficult for voters to become familiar with any candidate. For these reasons the delegates to the Constitutional Convention did not fully endorse the notion of direct election of a President.

Instead, they felt that a council, or college, composed of electors chosen from within each state would be better equipped to carry out the will of the people. In the Electoral College system, a candidate has to receive a majority of the ballots cast by the electors. The general populace is given the duty of expressing its will—though not its direct desire. Considering the social conditions of the 1780s, the Electoral College was a good idea. Yet in today's educated, mostly urban, middle class society, the College remains in use.

Today, radio, television, and daily newspapers provide Americans everywhere—even in remote communities—with adequate coverage of election campaigns. (Whether or not they take advantage of this available information is another matter. Many voters, according to polls, still are confused or misled by election campaigns.)

Another purpose of the College was to prevent large states from dominating political affairs. By allotting electors only by number of representatives and senators, the Constitution prevents candidates from campaigning only in states with large populations. In direct-vote presidential elections, candidates might be tempted to ignore less populated states.

Thus, the purpose of the Electoral College is to protect all the voters, and maintain a balance between large and small states. The method seems to have withstood the test of time and served the nation well.

COMPREHENSION Mastering Facts

1. What were two reasons the delegates to the Constitutional Convention mistrusted direct election of the President by the people?

_____

_____

_____

_____

2. Legally, whose votes elect the President?

_____

_____

3. Explain how the number of the electors is determined.

_____

_____

_____

EVALUATION Judging Policies

4. Why did the Founding Fathers allot electors by numbers of congressional members only?

_____

_____

_____

5. In what way is the Electoral College archaic?

_____

_____

_____

6. How would direct election of a presidential candidate be unfair? Explain.

_____

_____

_____

_____

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Review Worksheet: Article 2
Organizing the President's Cabinet

The Constitution created a number of specific government offices including the President, Vice-President, Senator, Representative, speaker of the House, president *pro tempore* of the Senate, and ambassadors. It also created a Supreme Court and gave Congress the power to create lower courts. The Judiciary Act of 1789 established a Supreme Court with a Chief Justice and five associate justices. The number of associate justices has since increased to eight. When the executive department was first organized under President George Washington, four departments were created: State, War, Treasury and Justice. Eventually they were referred to as the cabinet and the Postmaster General was soon added. As the nation grew and conditions changed, the cabinet grew to include the Departments of Labor, Interior, Agriculture, Commerce, Health, Education and Welfare, Transportation, Energy, and Housing and Urban Development. After World War II the name of the War Department was changed to Department of Defense. The Postmaster General was dropped from cabinet rank and the Department of Health, Education and Welfare was divided into the Department of Health and Human Services and the Department of Education.

COMPREHENSION Mastering Facts

1. Identify each of the government officials described below.

a. I am my nation's representative in foreign countries.

_____

b. I advise the President on financial matters.

_____

c. I preside in the Senate when the Vice-President is away.

_____

d. Traditionally, I administer the oath of office to the President.

_____

e. I am a member of the lower house of Congress.

_____

APPLICATION Inferring Facts

In each box, read the clue and then fill in the correct department.

2. Supports educational research:
Department of _____

3. Monitors energy use:
Department of _____

4. Engages in community planning:
Department of _____

5. Manages the national parks:
Department of _____

6. Regulates air traffic:
Department of _____

7. Finds representatives to the United Nations:
Department of _____

8. Issues and regulates the currency:
Department of _____

9. Promotes soil conservation:
Department of _____

10. Manages social security:
Department of _____

11. Regulates the stock market:
Department of _____

12. Controls of the army and navy:
Department of _____

13. Contains the Federal Bureau of Investigation:
Department of _____

14. Oversees the field of job safety:
Department of _____

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Name_____ Date_____ Class____ Score____

Review Worksheet: Article 3
Procedures of the Supreme Court

Not every defendant can appear before the clerk of the Supreme Court and ask for a hearing. To be heard, a case must have gone through the usual trials and appeals of the regular judiciary.

Even when a case is presented to the high court, it is first reviewed by the justices. They decide whether the case deserves arguing. Many cases brought to the Court are returned with no comment; the justices let stand the lower courts' decisions.

Most of the cases the Supreme Court hears deal with constitutional questions, such as civil rights, freedom of speech, and legislation. The justices are careful in choosing the cases they hear, for they do not readily overturn the decisions of lower courts. The Supreme Court's intention is to see that constitutional guarantees are upheld.

When a case is accepted, it is heard before the full court of nine justices. No testimony is offered; no witnesses appear. Usually, lawyers argue the virtues of their sides. Now and then the justices permit individuals to argue their own case—but they must first prove their competency.

Lawyers can present both written and oral arguments. The justices will consider both. Then the justices, headed by the Chief Justice, discuss the case in conference. After a full expression of opinions (which may take a week or more), a vote is taken. The justices vote in order of seniority.

The highest vote is called the majority. The losing justices are called the minority. Each side writes an opinion—facts that support their view. The winning, or majority, opinion is written by a selected justice. That opinion is carefully reviewed by the Court's legal staff. A justice who strongly disagrees with the majority may write an individual dissenting opinion.

The Court's opinions are printed in *United States Reports*, where the public can study them. In most cases, these opinions are guidelines for lower courts to follow, for no lower court likes to have its decisions reversed by the Supreme Court.

COMPREHENSION Mastering Facts

1. What must a litigant (person pursuing a case) do before presenting the Supreme Court with an appeal?

_____

_____

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2. What does the Court's return of an appeal without comment mean about the lower court's ruling?

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3. How many witnesses is a lawyer allowed to present before the Court justices?

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EVALUATION Listing Consequences

4. The function of the Supreme Court is judicial review—to reconsider previous decisions. Explain what might happen without this option in criminal cases.

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5. What dangers might arise if no high court existed to review legislation of the states or federal government?

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Review Worksheet: Articles 4, 5, 6, and 7

Understanding Articles 4, 5, 6, and 7

When studying the Constitution, people emphasize the first three Articles, the Amendments, and landmark Supreme Court decisions. There are however, four additional Articles in the Constitution.

Article 4 concerns the relations among the states. All states must respect the laws, records, and court rulings of other states. Citizens of one state have the same rights in all states. If a person is charged with a serious crime in one state and escapes to another, that person must be returned to the first state upon the governor's request. This is called extradition. The article also allows Congress to admit new states to the Union and to establish governments for land under United States guardianship. The last section insures the people's right to elect officials to represent them and guarantees each state protection against invasion and domestic violence.

Article 5 established the amending process. Amendments may be proposed by two-thirds of both houses of Congress or by the legislatures of two-thirds of the states. Ratification requires approval of three-fourths of the states.

Article 6 promises that all debts owed before this Constitution was adopted would be paid. It establishes the Constitution, federal laws, and all treaties entered into by the United States as the highest law of the land. It requires all legislative, executive, and judicial officers to take an oath to support the Constitution. Lastly, it forbids religious qualifications as a condition for holding a government job.

Article 7 provides for ratification of the Constitution itself. When conventions of nine states approved, the document became effective.

COMPREHENSION Mastering Facts

1. What is extradition?

_____

_____

_____

_____

2. Which article established the procedure for admitting new states to the Union?

_____

_____

_____

3. What is the "supreme law of the land"?

_____

APPLICATION Raising Significant Questions

4. Why was it necessary for the framers of the Constitution to honor the debts of the Confederation Congress?

_____

_____

5. With the elastic clause of Article I giving Congress the power to "make all laws necessary and proper for carrying into execution...powers vested by this Constitution," why are amendments necessary? Cite specific evidence to support your answer.

_____

_____

EVALUATION Judging Policies

6. Why was the clause forbidding religious qualifications for a government job included?

_____

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_____

7. Why is it important for the states to cooperate with each other?

_____

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_____

8. Are the contents of all of these articles so important that they must be a part of the Constitution? Explain.

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_____

9. Could any of these articles be dealt with by Congressional action instead of the Constitution? Explain.

_____

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Review Worksheet: Article 5
Amending the Constitution

In 1787 James Madison said, "In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce." 1987 marks the bicentennial of the United States Constitution. During these two centuries, the nation changed from a rural to an urban society, from an agricultural to a highly technological industrial economy, from travel on horseback to travel in spaceships. During this time the American people survived a civil war and two world wars. Each crisis required the Constitution to adapt to the challenge. How was this possible?

Two methods of changing the Constitution were written into the document. The first is the elastic clause giving Congress the power to make all laws, "...necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the government...or in any department or office thereof." The second method is the amending process which can be initiated by the Congress or the states.

The third method of changing the Constitution grew out of the Supreme Court's decision in *Marbury v. Madison*. When the Court struck down a law that was contrary to the Constitution, it created the concept of judicial review. A fourth method developed through the differing interpretations of the document by government officials, particularly the Presidents.

Today we can appreciate the foresight of James Madison. He helped to write a document flexible enough to adapt to two hundred years of change.

COMPREHENSION Mastering Facts

1. List four ways of changing the Constitution.

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2. How is the amending process initiated?

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3. How long has the United States Constitution survived?

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4. Describe the process of judicial review. How did the idea develop?

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5. Describe at least three major changes that have taken place in the United States since the Constitution was ratified.

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APPLICATION Providing Examples

6. Cite at least one example of constitutional change that was brought about by each of the four methods described above. Identify the method used for each example cited.

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Review Worksheet: Article 6
Understanding Federalism

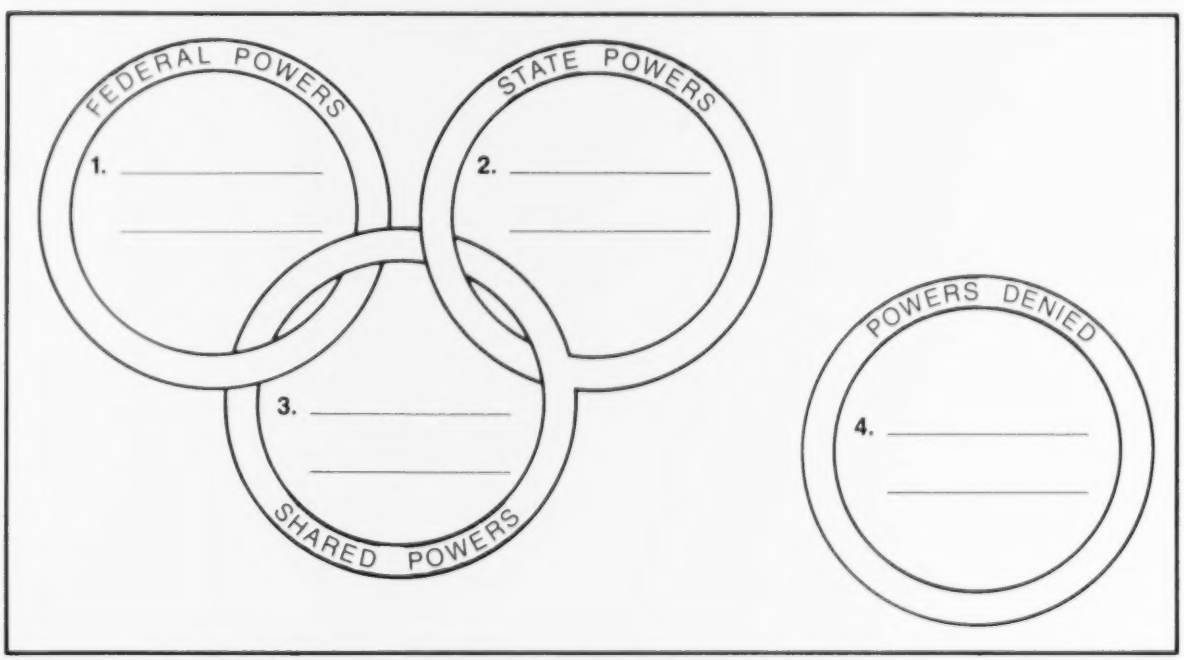
The United States Constitution provides for a federal system of government with certain powers granted only to the federal government. These are called *delegated* powers. Other powers are granted to the states and are known as *reserved* powers. Some powers are shared by both levels of government. Some powers are denied to all levels of government. There is a third level of government at the local level. Local governments have many of the same powers as those shared by the federal and state governments. Their jurisdiction is limited to their own local boundaries. This system of powers can be visualized as links in a chain binding the people of the nation together. Powers denied to the government can be seen as an unattached link of the chain.

COMPREHENSION Mastering Facts

1-4. Below is a list of governmental powers. Some powers belong exclusively to the federal government, some to the states, and some are shared by both or denied to both. Put the letter of each of the powers listed in the proper link on the chain.

a. Establish date, time and place of elections for members of Congress.
b. Operate schools.
c. Establish uniform laws of navigation.
d. Borrow money.
e. Create titles of nobility.
f. Regulate interstate commerce.
g. Make laws.
h. Coin money.
i. Tax exports.
j. Establish parks.
k. Make treaties.
l. Establish marriage and divorce laws.
m. Levy taxes.
n. Pass ex-post-facto laws.
o. Issue business licenses.
p. Build roads.
q. Declare war.
r. Amend the Constitution.
s. Favor the port of one state over another.
t. Establish post offices.
u. Appoint someone to fill a Senate vacancy.
v. Deny the privilege of *habeas corpus* except in war time.
w. Establish courts.
x. Raise an army.
y. Regulate intrastate commerce.

Links of Power



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Review Worksheet: The Amendments
Amendments Protect Civil Rights

The passage of amendments to the Constitution occurred in a somewhat sporadic fashion. The first eleven amendments were ratified within seven years. However, sixty-one years passed between the Twelfth and Thirteenth Amendments.

Amendment activity occurred in other periods. Four amendments were passed in the periods 1913–1920 and 1961–1971. Below is a chronology of the passage of amendments.

Constitutional Amendments

1791 Bill of Rights, 1–10
1798 Lawsuits against states, 11
1804 Election of executives, 12
1865 Slavery abolished, 13
1868 Civil rights, 14
1870 Right to vote, 15
1913 Income tax, 16
1913 Direct election of senators, 17
1919 Prohibition, 18
1920 Woman suffrage, 19
1933 Lame duck sessions, 20
1933 Repeal of prohibition, 21
1951 Limit on presidential term of office, 22
1961 Voting in District of Columbia, 23
1964 Abolition of poll taxes, 24
1967 Presidential disability, succession, 25
1971 Eighteen-year-old vote, 26

Many of these amendments fall into certain categories: the Bill of Rights, governmental matters, electoral affairs, and civil rights.

Amending the Constitution is no easy matter. It often takes years of lobbying and persuasion. This lengthy process is perhaps as it should be. Thus far, only one amendment, Prohibition, has ever been rescinded.

COMPREHENSION Summarizing Main Ideas

1. Which amendments specifically deal with blacks? Write each amendment's name and number.

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2. Which amendments deal with the subject of voting rights?

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3. Which amendments changed the presidency?

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4. What did the amendment abolishing the poll tax accomplish?

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APPLICATION
Developing Effective Citizenship

5. How did the Twenty-sixth Amendment help to develop more effective citizens?

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6. How did the Nineteenth Amendment contribute to expanding democracy?

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ANALYSIS Comparing and Contrasting

7. Examine the amendments of the last fifty years. Which of these amendments seem to you to be the most important? Explain.

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Review Worksheet: The Amendments
The Issue of School Prayer

The Bill of Rights was added to the Constitution in 1791 as a guarantee of the freedom and rights of citizens. The issues and consequences of the Bill of Rights are constantly being tested and interpreted.

The Supreme Court ruled in 1962 that government-sponsored school prayer violated the First Amendment's prohibition against any law "respecting the establishment of religion." In 1984 the issue reappeared when some members of Congress proposed an amendment to the Constitution permitting school prayers. Consider the following arguments for and against prayers.

Representative Newt Gingrich, Republican from Georgia in favor of school prayer:

"The schools occupy our children's lives for twelve years, and a nation that prohibits recognizing God for twelve years is, in fact, actively against religion. . . .

Our money bears the inscription 'In God We Trust,' and Thomas Jefferson said that our inalienable rights come from our Creator. The prohibition in the Constitution was meant to apply to a state religion, not to religion itself. George Washington said that without religion it's impossible to preserve freedom, and this is probably true. . . .

The content of the prayer would be decided differently in different areas, but I would hope ultimately we would just let one of the children volunteer to lead the prayer each day.

In an age when we have peer pressure to use drugs and alcohol and to engage in sex at fifteen, it's not all that bad to have some peer pressure to pray. . . ."

Senator Lowell Weicker, Republican from Connecticut, against school prayer:

"No part of our Constitution is more important or unique to the United States than the First Amendment, which clearly sets out the separation of government and religion. This nation was founded by people fleeing from religious persecution, and we must continue to make sure that all faiths—today's and tomorrow's—can be practiced in this country. . . .

James Madison, the author of the First Amendment, said, 'We are teaching the great truth that governments do better without kings and nobles than with them. The merit will be doubled by the other lesson that religion flourishes in greater purity without than with the aid of government.'

As for school prayer being permitted for many years, habit and tradition are no substitute for the Constitution. For example, we had discrimination against the handicapped and rampant racism in this country as habits and traditions until the Constitution was enforced. . . .

I look upon the debate on school prayer in the Senate as a historic opportunity to remind people that the origins of our greatness are in the Constitution and not the ephemeral morality of the New Right.

In an election year, there is a pretty good chance this issue will pass. It is very easy to demagogue the school-prayer issue. No one running for office wants to be accused of being against the Bible. But my purpose is to reeducate the American people on our Constitution. . . ."

APPLICATION Evaluating Sources

1. What is the basic argument in favor of allowing recitation of prayers in public schools?

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2. What is the basic argument presented to oppose it?

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3. Which of these two arguments is more persuasive? Why?

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SYNTHESIS Developing a Hypothesis

4. Most religious spokespersons oppose a school prayer amendment. Why do you think they do so?

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Review Worksheet: Court Cases
Supreme Court Rulings

The following three cases came before the Supreme Court over a span of sixty years. Read about each of the cases; then answer the questions.

Plessy v. *Ferguson* (1896)

A train was bound from New Orleans to Covington, Louisiana. One passenger, Homer A. Plessy, entered a car reserved for whites and sat down. Because Plessy was a citizen of mixed white and black ancestry, the conductor told him to move to the car reserved for blacks. Plessy refused. With the aid of a police officer, the conductor removed him from the car. Plessy was then arrested and jailed for violating a Louisiana law that required segregated facilities for whites and Negroes.

Decision: In a 7 to 1 decision, the U.S. Supreme Court ruled against Plessy, upholding the policy that "separate but equal facilities were constitutional." In the opinion of the Court, laws should ensure equality, but political, not social, equality. The Supreme Court maintained that separation of the races was reasonable in 1896.

Sweatt v. *Painter* (1950)

Mr. Sweatt wanted to become a lawyer. He applied for admission to the University of Texas Law School. But because he was black, Sweatt's application was rejected. At that time no law schools in Texas admitted blacks.

Sweatt took his complaint to a Texas court. The court agreed that he had been deprived of "equal protection of the laws." The court did not say, however, that he should be allowed to enter the University of Texas Law School. Instead, it gave the state six months to provide equal law school facilities for Negroes.

A separate school was then made available. However, Sweatt refused to register. Instead, he carried his case to the U.S. Supreme Court. There he offered evidence that the separate law schools were not really equal.

Decision: The U.S. Supreme Court ruled in favor of Sweatt. The court held that in providing legal education at state schools, a state may not discriminate among students of different races. It must provide facilities for blacks substantially equal to those provided for white law students.

Brown v. *Board of Education* (1954)

In 1954 Linda Brown, an eight-year-old black girl, could not attend the white elementary school only five blocks from her home. Instead, she had to attend another school twenty-one blocks away. Topeka, Kansas, maintained separate elementary schools for blacks and whites.

Linda's parents, Mr. and Mrs. George Brown, complained to a court. They argued that maintaining separate schools had a harmful effect on black children. Such a policy, enforced by law, implied that blacks were not equal to whites and hence inferior, the Browns argued.

The school district pointed out that the separate elementary schools in Topeka were equal in terms of buildings, courses of study, and quality of teachers. According to the *Plessy* ruling in 1896, school district lawyers pointed out, separate but equal schools were constitutional.

Decision: The U.S. Supreme Court ruled in favor of Linda Brown and her parents. The unanimous opinion reversed the earlier *Plessy* case. The court declared that state-enforced segregation in public schools was unlawful.

COMPREHENSION Inferring Information

1. What issue was common to these three court cases?

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_____

SYNTHESIS Developing a Hypothesis

2. How do you account for the differences in the rulings of these cases?

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3. How did the idea of separate but equal change in the 1900s?

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EVALUATION Forming Generalizations

4. The lone dissenting justice in the *Plessy* case stated that the U.S. Constitution was "color blind." Why?

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Review Worksheet: Court Cases
Juveniles and the Courts

Within the past twenty years, several decisions of the Supreme Court have affected America's young people. Most of these decisions revolved around the concept of due process as provided by the Sixth Amendment.

Consider this excerpt from *The Supreme Court and Individual Rights*, edited and published by Congressional Quarterly, Inc., in 1980. Then answer the questions.

"Juvenile court proceedings are generally considered civil, not criminal hearings. They are designed to shelter a young offender from the exposure of a public trial, giving him the opportunity to begin anew without the handicap of publicity or a criminal record.

Until 1967 only general elements of due process and fair treatment were applied to these proceedings. But in 1967 the court in the case *In re Gault* held that juveniles charged with violating the law did have the same right to confront and cross-examine persons presenting the evidence against them. . . .

In 1970 the court held that due process required juveniles to be found delinquent by proof 'beyond a reasonable doubt'—rather than by any lesser standard.

In the case of *In re Winship*, the justices found that Samuel Winthrop, a 12-year-old found guilty "by preponderance of the evidence" of stealing money from a woman's pocketbook, had been denied due process rights. The standard of proof of guilt beyond a reasonable doubt was an essential element of due process and fair treatment applicable to juvenile as well as adult proceedings, held the court.

The following year, however, in the cases of *McKiever v. Pennsylvania* and *In re Burrus*, the court refused to extend the right of trial by jury to juvenile court proceedings.

Justice Harry A. Blackmun explained the reasoning of the court:

'If the jury trial were to be injected into the juvenile court system, as a matter of right, it would bring with it . . . delay, the adversary system, and . . . the public trial. . . .

If the formalities of the criminal adjudicative [judicial] process are to be superimposed upon the juvenile court system, there is little need for its separate existence, but for the moment we decline to give impetus to it.'

Four years later, the court extended the Fifth Amendment protection against double jeopardy to minors, ruling that a juvenile found in juvenile court to have violated a law could not subsequently be tried for the same action as an adult."

COMPREHENSION Vocabulary Development

1. What is the meaning of due process?

2. What is the purpose of a criminal adjudicative process?

3. Explain the meaning of double jeopardy.

COMPREHENSION Summarizing Main Ideas

4. Summarize in your own words the changes described in the excerpt concerning the legal rights of juvenile offenders since 1967.

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Review Worksheet: The Constitution
The Constitution in Review

In Review

Write the best answer in the space provided. Then locate each word on the puzzle and circle it. Words in the puzzle may be horizontal, vertical, diagonal, forward, or backward.

COMPREHENSION
Mastering Facts

1. legislator elected for a two-year term

_____

2. to charge the President with serious wrong-doing

_____

3. agreements made with other nations

_____

4. the person who presides over the Senate

_____

5. a group that decides if a person will be charged with a serious crime

_____

6. the number of congressmen that must be present in order to do business

_____

7. the highest court in the land

_____

8. the person who represents all of the people in a state

_____

9. a crime against one's country

_____

10. a proposed law

_____

11. the law-making body

_____

12. a court that hears appeals cases

_____

13. the President's official residence

_____

14. process by which an immigrant becomes a citizen

_____

15. an addition to the Constitution

_____

16. a group that decides a person's guilt or innocence

_____

17. money collected illegally by some states before a person was permitted to vote

_____

18. amendment that made the manufacture, transport, and sale of alcoholic beverages illegal

_____

19. a group of people that meets only to elect the President and Vice-President of the United States

_____

S A C E R N O I T A Z I L A R U T A N B
U H N V G E N H B E Y S Z K G P W C N R
P B A C Y D C Q P R O H I B I T I O N G
R E F M H A U C U E L P I A Z S B J D M
E W P S E R F J D P R E S I D E N T Y U
M O L P U N D H T R A O P L O K D I Q H
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U S G P C I R B M N Y O F I U U T E R E
R A L D L G Y S J T T N E M E O H S T D
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A H O D L L S O F V J S Y A E T F E E R
T I G F L V W X N E A S I O V N F T L P
I C V Y T U A Z V B M E M K B W I I L E
E W O R A I Q L E L U N A I I G C H A C
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V G I E L E C T O R A L C O L L E G E V

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Key Words for Understanding the Constitution

Abridge, to shorten a written document or a policy by cutting out words or by limiting its meaning. Colonists rebelled against the British because they felt the British were abridging their rights. See page 31.

Amendment, change in the provisions of the Constitution. Though interpretations of the Constitution change constantly, only twenty-six amendments have been ratified. See pages 19-27.

Bill of Rights, first ten amendments to the Constitution. They protect the basic civil liberties of citizens. The first three protect general rights. Amendments four through eight protect rights of people suspected of committing crimes. The last two protect rights not specifically mentioned in the Constitution. See pages 19-21.

Charter, legal document from a government that grants an individual or group specific privileges, often including permission to begin an enterprise. See page 30.

Citizenship, condition in which a person gives allegiance to a government and has the civil rights granted by that government. See page 22.

Civil Rights, rights protected by a constitution or government. See page 19.

Commerce, any form of trade or business between people, groups, or nations. See page 30.

Constitution of the United States, document that has been the basis of the government of the United States since 1788, when it replaced the Articles of Confederation. See pages 2-27.

Contract, legal and binding agreement between individuals or companies stating what each will do for the other. The Constitution prohibits states, but not the federal government, from interfering with legal contracts. See page 30.

Due Process, proper and orderly working of the legal system. The Fifth and the Fourteenth Amendments protect individuals from loss of property or freedom without due process of law. See page 20.

Elastic Clause, clause 18 of the 8th section of Article I of the Constitution. This clause allows Congress to do what is "necessary and proper" to carry out its functions. Congress has used the vague wording of the elastic clause to allow it to adjust to changing conditions. See page 8.

Electoral College, group of individuals who actually elect the President; members are chosen by state elections. See page 10.

Emancipation, a freeing from restraint; often used when referring to the legal action of ending slavery. See page 30.

Executive, part of government that enforces laws and carries out policies. The President is head of the executive branch. See page 10.

Federalism, principle that divides governmental power between national, state, and local governments that are each directly responsible to the people who elected them. See page 1.

Felony, serious crime punishable by at least a year in prison. See page 16.

Grand Jury, group of between twelve and twenty-four citizens who determine whether there is enough evidence to indict, or accuse, a person of a crime. If a person is indicted by a grand jury, a trial is held to determine whether the person is guilty or innocent. See page 20.

Judicial, part of government that has the reponsibility to interpret the law. The judicial branch of our government is headed by the Supreme Court. See page 14.

Judicial Review, power to examine a law and decide whether it is constitutional. See page 30.

Jury, body of citizens that judges an individual suspected of committing a crime. See page 15.

Legislative, part of government that makes laws and policies. See page 2.

Militia, military force made up of civilians called upon during special emergencies. Today the National Guard serves as the militia in each state. See page 19.

Misdemeanor, minor crime usually punishable by a fine or a short prison sentence. See page 14.

Monopoly, sole control of a market, or any situation in which actual competition does not exist. See page 30.

Override, vote by Congress to pass a law despite a veto by the President; an override requires a two-thirds majority vote in each house of Congress. See page 7.

Preamble, introductory statement indicating the purpose of a document. The Preamble to the Constitution of the United States lists six purposes of that document. See page 2.

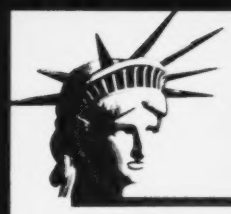
Republic, form of government where citizens elect representatives to serve in government. Republics are based on the belief that all power is ultimately held by the people. See page 16.

Segregation, separation according to a certain trait, usually by race. Though racial segregation is no longer legal, it is still a serious problem today. See page 31.

Self-Incrimination, making statements indicating that one is guilty of a crime. Historically, force has often been used in order to get suspected criminals to make self-incriminating statements. See page 32.

Separation of Powers, principle that divides powers of government among different branches of government. Each branch has specific powers. See page 10, also chart on page 2.

Suffrage, right to vote. Since 1788, suffrage has been extended to blacks (1870), women (1920), and all citizens over the age of eighteen (1971). See page 24.



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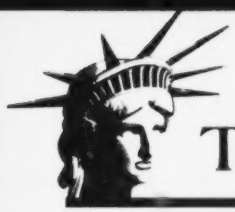

Test Yourself on the Constitution

Part I **Write the letter of the best answer in the space provided.**

_____ **1.** The basic principles of the Constitution are stated in the:
- **a.** first Article
- **b.** elastic clause
- **c.** Preamble
- **d.** fourth Article

_____ **2.** Which of the following compromises was not made at the Constitutional Convention?
- **a.** the Virginia Plan
- **b.** the three-fourths compromise
- **c.** the New Jersey Plan
- **d.** the Great Compromise

_____ **3.** The main purpose of the Constitution was to:
- **a.** divide the government into three branches
- **b.** make interstate business possible
- **c.** protect against stronger state power
- **d.** preserve the rights and interests of Americans

_____ **4.** Congress has the power to:
- **a.** make treaties
- **b.** enforce laws
- **c.** make laws
- **d.** interpret laws

_____ **5.** The Bill of Rights was added in order to:
- **a.** protect the civil liberties of citizens
- **b.** restrict the power of the executive
- **c.** extend the powers of the legislature
- **d.** regulate the power of the states

_____ **6.** The President has the power to:
- **a.** make laws
- **b.** regulate trade
- **c.** make treaties
- **d.** levy taxes

_____ **7.** Which pair is incorrectly matched?
- **a.** 19th Amendment—voting rights for women
- **b.** 22nd Amendment—limits the president to two terms
- **c.** 26th Amendment—voting rights for 18 year-olds
- **d.** 16th Amendment—federal income tax

_____ **8.** The First Amendment includes all of the following except:
- **a.** freedom to petition
- **b.** freedom to vote
- **c.** freedom of religion
- **d.** freedom of the press

_____ **9.** The purpose of the elastic clause is to:
- **a.** restrict the power of the judiciary
- **b.** govern United States territories
- **c.** permit Congress to adjust to changing conditions
- **d.** permit Congress to create a national militia

_____ **10.** The Constitution has been changed by:
- **a.** congressional legislation
- **b.** amendments
- **c.** court interpretations
- **d.** all of the above

_____ **11.** An important idea included in the Bill of Rights is:
- **a.** protection of persons suspected of crimes
- **b.** protection of property
- **c.** a definition of citizenship
- **d.** a definition of voting rights

_____ **12.** Which is true of judicial review?
- **a.** it gives the Supreme Court lawmaking power
- **b.** it gives the Court the right to reject laws contradicting the Constitution
- **c.** it gives the Supreme Court more power than the other branches
- **d.** it sets the terms of the number of justices

_____ **13.** Five states ratified the Constitution only after expressing the need for:
- **a.** an electoral college
- **b.** a Preamble
- **c.** an elastic clause
- **d.** a Bill of Rights

_____ **14.** A conflict between which of the following represents the principle of checks and balances?
- **a.** executive and legislature
- **b.** electoral college and legislature
- **c.** judiciary and electoral college
- **d.** legislature and Congress

_____ **15.** Supreme Court decisions that have helped the Constitution adapt to changing needs and circumstances include:
- **a.** *Marbury* v. *Madison*
- **b.** *Engel* v. *Vitale*
- **c.** *Gibbons* v. *Ogden*
- **d.** all of the above

_____ **16.** Amendments that addressed civil rights include all of the following except:
- **a.** 15th Amendment—abolished slavery
- **b.** 16th Amendment—allowed taxing of incomes
- **c.** 24th Amendment—abolished poll tax
- **d.** 13th Amendment—abolished slavery

_____ **17.** Which of the following are key terms in the Constitution?
- **a.** electoral college
- **b.** naturalization
- **c.** override
- **d.** all of the above

_____ **18.** The *Brown* v. *Board of Education* decision was based on the Constitution in that it:
- **a.** ordered the closing of all segregated schools
- **b.** ordered immediate desegregation of public and private schools
- **c.** ruled segregated schools violated the 14th Amendment
- **d.** ordered busing of minority school children

_____ **19.** Which case reversed an earlier Supreme Court decision?
- **a.** *Brown* v. *Board of Education*
- **b.** *Dartmouth College* v. *Wheelock*
- **c.** *Plessy* v. *Ferguson*
- **d.** *Schenck* v. *United States*

_____ **20.** Decisions of the Supreme Court have affected the Constitution by:
- **a.** decreasing the power of the Court
- **b.** abridging Constitutional rights
- **c.** reversing the balance of power
- **d.** enlarging individuals' rights against expanding federal and state laws

_____ **21.** Provisions of the Bill of Rights have been restricted by:
- **a.** *Brown* v. *Board of Education*
- **b.** *Mapp* v. *Ohio*
- **c.** *Miranda* v. *Arizona*
- **d.** *Schenck* v. *United States*

_____ **22.** The following amendments were added after much public controversy *except*:
- **a.** 11th Amendment—rules governing lawsuits against states
- **b.** 24th Amendment—abolition of poll tax
- **c.** 19th Amendment—women's suffrage
- **d.** 13th Amendment—abolition of slavery

_____ **23.** Which of the following extended democracy?
- **a.** 21st Amendment—repeal of prohibition
- **b.** 17th Amendment—direct election of senators
- **c.** a and b
- **d.** neither a or b

_____ **24.** Which Supreme Court case upheld the World War I Espionage Act?
- **a.** *Engel* v. *Vitale*
- **b.** *Schenck* v. *United States*
- **c.** *Immigration and Naturalization Service* v. *Jogdish Rai Chadha*

_____ **25.** The need for a Bill of Rights in 1787 was that it:
- **a.** protected citizens from a strong judiciary
- **b.** enumerated felonies and misdemeanors
- **c.** listed freedoms of individuals that could not be denied by the federal government
- **d.** limited states' rights

Part II Write an essay on the following.

1. Explain how the Constitution can grow and change.

2. What effect have Supreme Court decisions had on the Constitution? Use three cases to illustrate your answer.

3. What is the relationship between the three branches of government? Cite specific examples to support your answer.

4. Cite and explain two amendments that you believe have had the greatest impact this century.

5. Cite and explain two amendments that have expanded democracy.

Declaration of Independence

On June 7, 1776, Richard Henry Lee of Virginia presented a resolution to the Congress meeting in Philadelphia. Lee's resolution stated that "these United Colonies are, and of right ought to be free and independent states." These were words of freedom but also of treason. Emotions ran high. Delegates hesitated. Not only their lives but their countrymen's lives were dependent on their decision.

After some debate, Congress postponed a vote but appointed a committee to write a declaration of independence. Although John Adams, Benjamin Franklin, Roger Sherman, and Robert Livingston were also on the committee, Thomas Jefferson did most of the writing.

The Declaration of Independence was a revolutionary document. The first part of the Declaration of Independence presented basic ideas about the nature of governments. According to the declaration, all people are created equal by reason of natural law. Everyone is entitled to life, liberty, and the pursuit of happiness. Governments get their powers from the consent of the governed. Therefore, if government becomes destructive, people have the right to end it. The people then have the right to start a new government.

Declaration of Independence

In Congress, July 4, 1776

The Unanimous Declaration of the Thirteen United States of America.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:—That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offences;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress, in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity; and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

WE, THEREFORE, the REPRESENTATIVES of the UNITED STATES OF AMERICA, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain, is and ought to be totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

John Hancock

The foregoing Declaration was, by order of Congress, engrossed and signed by the following members:—

NEW HAMPSHIRE.
Josiah Bartlett,
William Whipple,
Matthew Thornton.

MASSACHUSETTS BAY.
Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.

RHODE ISLAND.
Stephen Hopkins,
William Ellery.

CONNECTICUT.
Roger Sherman,
Samuel Huntington,
William Williams,
Oliver Wolcott.

NEW YORK.
William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.

NEW JERSEY.
Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.

PENNSYLVANIA.
Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,
James Smith,
George Taylor,
James Wilson,
George Ross.

DELAWARE.
Caesar Rodney,
George Read,
Thomas M'Kean.

MARYLAND.
Samuel Chase,
William Paca,
Thomas Stone,
Charles Carroll
of Carrollton.

VIRGINIA.
George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, Jr.,
Francis Lightfoot Lee,
Carter Braxton.

NORTH CAROLINA.
William Hooper,
Joseph Hewes,
John Penn.

SOUTH CAROLINA.
Edward Rutledge,
Thomas Heyward, Jr.,
Thomas Lynch, Jr.,
Arthur Middleton.

GEORGIA.
Button Gwinnett,
Lyman Hall,
George Walton.

Resolved, That copies of the Declaration be sent to the several assemblies, conventions, and committees, or councils of safety, and to the several commanding officers of the continental troops; that it be proclaimed in each of the United States, at the head of the army.

Name _____ Date _____ Class _____ Score _____

Review Worksheet: The Declaration of Independence
Reasons for Independence

When Thomas Jefferson wrote the Declaration of Independence, he knew that he needed strong arguments to convince the other delegates to sign the document. For that reason Jefferson divided the declaration into two parts. The first part contained arguments in favor of freedom based on the laws of nature. The second part listed charges against King George III of Britain.

The second part of the Declaration of Independence contained more than two dozen specific complaints and grievances against George III. Several of those charges are reprinted on this page. Study them before answering the questions that follow.

"The history of the present King of Great Britain is a history of . . . the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

"He has refused his assent to laws the most wholesome and necessary for the public good. . . .

"He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measure.

"He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people. . . .

"He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries. . . .

"He has kept among us in times of peace, standing armies, without the consent of our legislatures. . . .

"He has . . . [given] his assent to [these] acts of pretended legislation:

"For cutting off our trade with all parts of the world;

"For imposing taxes on us without our consent;

"For depriving us, in many cases, of the benefits of trial by jury;

"For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments;

"For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. . . .

"He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people."

Summarizing Main Ideas

1. Summarize in your own words the charge listed in the third paragraph concerning the times that King George III "called together legislative bodies at places unusual. . . ."

_____

_____

_____

_____

_____

Providing Examples

2. Give two examples of complaints against George III that would be called political.

_____

_____

_____

_____

3. Give one example of a complaint that would be called economic.

_____

_____

_____

Forming Generalizations

4. What general impression of King George III did Jefferson try to emphasize in all of these charges?

_____

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_____

Evaluating Ideas

5. Which charges do you believe were the most serious against King George III? Why?

_____

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This is to certify that

_____

has successfully completed
the Mastery Test on

The United States Constitution

this ____ day of _____ , 19 ___

_____

Teacher's Signature

This *Study Guide for the United States Constitution* may be used separately or as a companion to the following American history textbooks published by McDougal, Littell & Company:

A Proud Nation for grades 7-8
The Americans for high school students
The American People: A History to 1877 for grade 7 and above
The American People: A History from 1877 for high school students

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McDougal, Littell

Study Guide for the United States Constitution

Teacher's Manual

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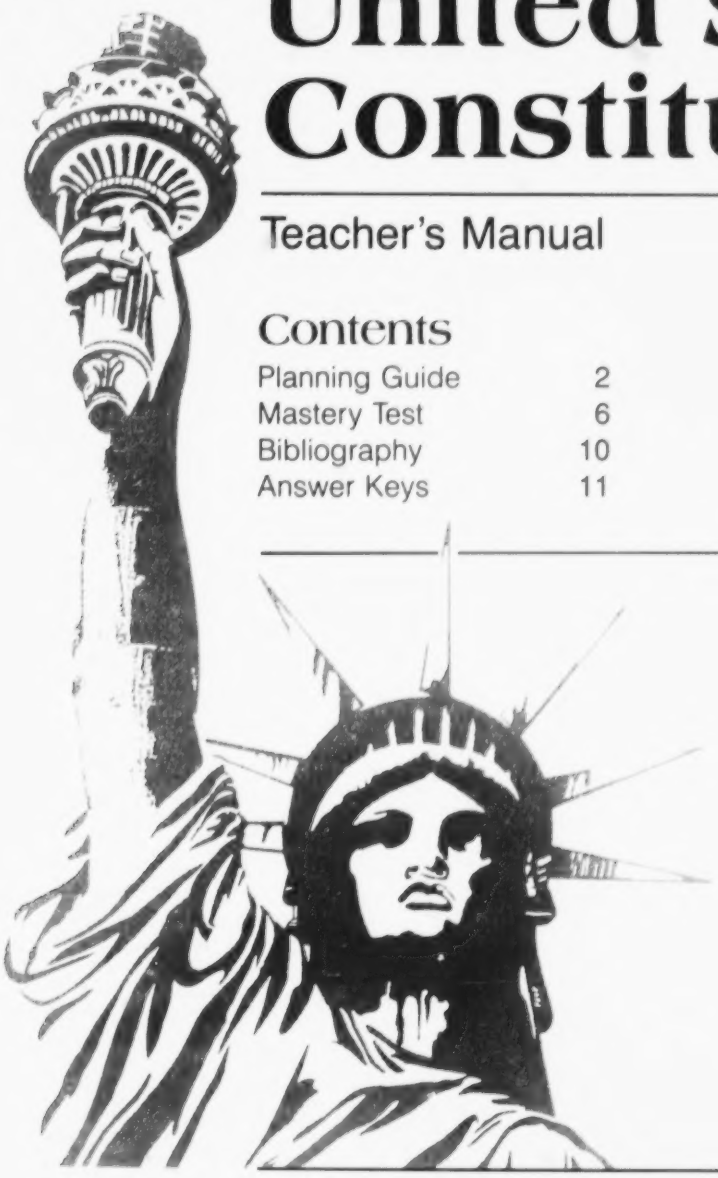

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McDougal, Littell Study Guide for the United States Constitution

Planning Guide

Suggested Time Allotment Chart

Week	Monday	Tuesday	Wednesday	Thursday	Friday
1 Date _____	The Constitution Preamble, p. 2 Article 1 Worksheets, pp. 37-38	Article 2, p. 10 Worksheets, pp. 39-40	Article 3, p. 14 Worksheet, p. 41	Articles 4,5,6,7, p. 15	Worksheets, pp. 42-44
2 Date _____	Student Review, p. 18	Amendments 1-5, p. 19	Amendments 6-10, p. 20	Amendments 11-15, p. 21	Amendments 16-20, p. 23
3 Date _____	Amendments 21-26, p. 25	Worksheets, pp. 45-46	Student Review, p. 28	Interpreting the Constitution, p. 29	Worksheets, pp. 47-48
4 Date _____	Student Review, p. 34 Worksheet, p. 49	Test Yourself on the Constitution, p. 52	Declaration of Independence, p. 54	Worksheet, p. 58	Mastery Test, Manual, p. 6

Introducing the Constitution

Ask students to read the paragraphs on page 1 to get a basic understanding of the Constitution. Review the key words for studying the Constitution on page 50. Read the Preamble aloud. Have students compile a list of problems faced by Americans as they attempted to create their new government. Instruct them to list the solutions that were agreed upon for each problem. Students might also be asked to do research and to write a short biography on one of the signers of the Constitution. Particular attention should be given to the charts and diagrams.

Concluding the Constitution

The Constitution has been the supreme law of our nation since 1787. Ask students to identify the features that have enabled it to be used effectively for two hundred years. When students have completed their study of the Constitution, use their lists of problems and solutions to prepare a matching quiz. On the chalkboard list government-related problems of current interest. Topics might include: cutbacks in education, tax reform, and nuclear war. Discuss whether or not they believe the Constitution, with its twenty-six amendments, can successfully meet the needs of Americans in the next century. Finally, have students propose amendments they believe should be added to the Constitution.

Using the Declaration of Independence

Obtain a recording of a dramatic reading of the Declaration of Independence or have a student rehearse and recite the first two paragraphs of the Declaration. Point out the step-by-step logic of the philosophy of government and revolution expressed in the document. Discuss the equality of people, their rights, the reason for government, and the conditions under which government can be changed or abolished. Ask students to paraphrase the first two paragraphs of the Declaration of Independence in writing. Be sure students find out the meanings of difficult terms as well as their connotation in the eighteenth century context. Lead a discussion of the following question: "To what extent has the promise implicit in the Declaration of Independence been fulfilled in the United States today?" Point out that students need to first ascertain what the overall promise is, and then decide if all people participate equally in pursuit of the promise. At this point you can distinguish between and correlate political rights and economic and social conditions. Finally, have students decide what parts of the Declaration are still applicable today.

87 88 89 90 / 15 14 13 12 11 10 9 8 7 6 5 4 3 2

Original Articles of the Constitution

Planning Guide

Objectives for Understanding the Original Articles

Learning Objectives	Strategies and Worksheets That Reinforce the Objectives	Mastery Test Questions That Measure Understanding of the Objectives
After studying the Articles of the Constitution students should be able to:		
(A) **General Objective:** Describe the overall plan of government for the United States as presented in the Constitution.	(A) **Strategies** 1, 6 (Manual, p. 3) **Worksheets** (Text, pp. 38, 47)	(A) **Part III** Question 1 **Part IV** Question 1 **Test B, Part I** Question 2
(B) **History Concept:** Explain how compromises were used in writing the Constitution.	(B) **Strategy** 7 (Manual, p. 3) **Worksheet** (Text, p. 39)	(B) **Part I** Question 1
(C) **Government Concept:** Recognize that a system of checks and balances was built into our federal system by the Constitution.	(C) **Strategy** 2 (Manual, p. 3) **Worksheet** (Text, p. 39)	(C) **Part I** Question 2 **Part IV** Questions 2, 4 **Test B, Part I** Question 5
(D) **Reading Skill:** Summarize important parts and understand key terms in the Constitution.	(D) **Strategies** 1, 3, 4, 6, 8, 10 (Manual, p. 3) **Worksheets** (Text, pp. 38, 39)	(D) **Part I** Questions 3, 5 **Test B, Part I** Questions 1, 4
(E) **Chart Skill:** Construct a chart of the executive branch during the administration of George Washington.	(E) **Strategy** 5 (Manual, p. 3)	(E) **Part I** Question 7 **Part IV** Questions 3, 5 **Test B, Part I** Question 3
(F) **Critical Thinking:** Analyze reasons for including the elastic clause in the Constitution.	(F) **Strategies** 4, 9, 11 (Manual, p. 3)	(F) **Part V**

Teaching Strategies

For Average Students:

1. (A, D) Have students study each of the seven Articles of the Constitution; then ask them to write short summaries of each Article.

2. (C) After studying the chart on page 13, ask students to list additional powers and checks for each branch.

3. (D) Ask students to memorize the Preamble.

4. (D, F) Have students prepare a notebook of news articles on government, using the chart on Power and Levels of Government on page 11 as a guide. Notebooks should contain an article for each of the powers and levels listed. Each article should be labeled with the correct power and level contained in the article.

5. (E) Have students construct a chart showing the organization of the executive branch during the administration of George Washington.

For Basic Students:

6. (A, D) Read key phrases from the Constitution and see which student is first to locate the correct Article, Section, and Clause.

7. (B) Ask students to research the compromises made during the Constitutional Convention. Have students explain how the document might be different if various delegates had refused to compromise.

8. (D) Ask students to list the six purposes of government as stated in the Preamble. In a discussion, ask students to identify one specific action for each of the six purposes to indicate the government is meeting its purposes. List suggestions on the chalkboard.

For Advanced Students:

9. (F) Ask students to explain why the term elastic clause is used to describe Article 1, Section 8, Clause 18. Have students write a paragraph explaining the importance of the clause.

10. (D) Using the chart of the executive branch on pages 10-11, have students list the names of the persons currently heading each department.

11. (F) Have students acquire a copy of the Congressional Record for one day. They are available through the Government Printing Office or may be obtained through a member of your Congressional delegation. Have students write a brief evaluation of the day's proceedings, determining what legislation was debated and or voted on as well as any other important business transacted.

Relating This Section to the Present

Discuss with students the purpose of the electoral college system (Article 2, Section 1). A growing number of people feel this system should be changed. They believe that the people, not the states, should elect the president. List advantages and disadvantages of the system.

Amendments to the Constitution

Planning Guide

Objectives for Understanding the Amendments

Learning Objectives	Strategies and Worksheets That Reinforce the Objectives	Mastery Test Questions That Measure Understanding of the Objectives
After studying the Amendments to the Constitution, students should be able to:		
(A) General Objective: Recognize that the Constitution is able to grow and change.	**(A) Strategies** 1, 2, 4 (Manual, p. 4) **Worksheets** (Text, pp. 37, 47, 48)	**(A) Part III** Questions 2, 3 **Part IV** Question 6 **Test B, Part II** Question 1
(B) History Concept: Recognize why the Bill of Rights was added to the Constitution in 1791.	**(B) Strategies** 4, 6 (Manual, p. 4)	**(B) Part I** Questions 8, 12 **Part IV** Question 7 **Test B, Part II** Question 2
(C) Government Concept: Distinguish between amendments which protect civil liberties and those which protect civil rights.	**(C) Strategies** 1, 2, 3, 4, 5, 6, 7 (Manual, p. 4) **Worksheet** (Text, p. 37)	**(C) Part I** Questions 9, 13 **Test B, Part II** Question 3
(D) Reading Skill: Summarize the main ideas of the most important amendments.	**(D) Strategies** 2, 8 (Manual, p. 4) **Worksheets** (Text, pp. 38, 47)	**(D) Part I** Question 10 **Part II** Question 1 **Part IV** Questions 8, 9 **Test B, Part II** Question 4
(E) Chart Skill: Construct a chart illustrating the relationship between the Preamble and the amendments.	**(E) Strategy** 2 (Manual, p. 4)	**(E) Part I** Question 11 **Part III** Question 2 **Part IV** Question 10 **Test B, Part II** Question 5
(F) Critical Thinking: Identify and explain amendments which expanded democracy in the United States.	**(F) Strategies** 1, 3, 5, 7 (Manual, p. 4)	**(F) Part IV** Questions 10, 13

Teaching Strategies

For Average Students:

1. (A, C, F) Ask students to identify amendments that have made the United States a more democratic society.

2. (A, D, E, C) Students should make a chart with six columns, and label each column with one of the six purposes stated in the Preamble. Students should then place Amendments Eleven–Twenty-Six under the proper headings on the chart.

3. (C, F) Discuss the basic differences between rights (protections) and liberties (freedoms). Then have students decide which of the first ten amendments concern rights and which concern liberties.

For Basic Students:

4. (A, B, C) Ask students to read the Bill of Rights on pages 19-21. Have them list reasons for adding the Bill of Rights to the Constitution.

5. (F, C) Ask students to identify and explain the amendments that most directly affect them.

For Advanced Students:

6. (B, C) Discuss the relationship between amendments and a particular time period, for example, the Progressive Era, women's suffrage, and the Nineteenth Amendment.

7. (F, C) Have students discuss limitations on rights specified in the Bill of Rights. Why are limitations necessary?

8. (D) Have students write a paragraph explaining why the Constitution is considered a living document.

Relating This Section to the Present

Each day the media report events which deal with civil rights and civil liberties. Ask students to bring news articles to class which illustrate possible violations of civil rights. Articles on citizen-vigilantes, school prayer, searches without a warrant, and anti-nuclear activities are among those which students should collect.

Interpreting the Constitution

Planning Guide

Objectives for Interpreting the Constitution

Learning Objectives	Strategies and Worksheets That Reinforce the Objectives	Mastery Test Questions That Measure Understanding of the Objectives
After studying this section, students should be able to:		
(A) General Objective: Explain how Supreme Court rulings affect the Constitution.	**(A) Strategies** 1, 6 (Manual, p. 5) **Worksheets** (Text, pp. 38, 41)	**(A) Part III** Question 5
(B) History Concept: Recognize that Supreme Court interpretations have allowed the Constitution to adapt to changing needs and conditions.	**(B) Strategies** 1, 6 (Manual, p. 5) **Worksheets** (Text, pp. 41, 47)	**(B) Part I** Question 14 **Part IV** Question 11
(C) Government Concept: Identify cases in which the Supreme Court has reversed earlier rulings.	**(C) Strategy** 3 (Manual, p. 5) **Worksheet** (Text, p. 47)	**(C) Part I** Question 16 **Part IV** Question 12 **Test B, Part III** Question 2
(D) Reading Skill: Summarize significant details of certain important Supreme Court decisions.	**(D) Strategy** 2 (Manual, p. 5) **Worksheet** (Text, p. 47)	**(D) Part I** Question 16 **Part IV** Questions 13–15 **Test B, Part III** Questions 3, 4
(E) Chart Skill: Construct a chart of the court cases in this section.	**(E) Strategy** 4 (Manual, p. 5) **Worksheet** (Text, p. 38)	**(E) Test B, Part III** Question 1
(F) Critical Thinking: Explain the significance of the principle of judicial review.	**(F) Strategies** 5, 7, 8, 9 (Manual, p. 5) **Worksheets** (Text, pp. 41, 47)	**(F) Part I** Question 17

Teaching Strategies

For Average Students:

1. (A, B) Explain to students that most Supreme Court decisions either expand or limit the powers of government. Why is it vital that the Constitution continue to change in this way?

2. (D) Have students write paragraph summaries of the court cases described on pages 29–32.

3. (C) Discuss *Plessy* v. *Ferguson* (1896) and *Brown* v. *Board of Education* (1954). In what ways do such reversals actually demonstrate the strength of the Constitution?

4. (E) Have students construct a chart of the court cases in this section using the chart on page 32 as a guide.

5. (F) Ask students to select the one court case from the section that they believe had the greatest effect on Americans and write a brief essay on their selection. Essays should include reasons for their choice and some specific examples of the effects of the decision.

For Basic Students:

6. (A, B, D) Have students collect newspaper articles concerning recent Supreme Court decisions. Have each student summarize his or her article.

7. (F) Have students write a summary of the *Marbury* v. *Madison* case. Why was Marbury's loss our country's gain?

For Advanced Students:

8. (F) Ask students to review Article 3 of the Constitution; does it contain any mention of judicial review? Why was Marshall's establishment of this principle so significant?

9. (F) Have students select one case from the Supreme Court's most recent term and prepare a report on that case. Reports should include the following: kind of case—civil or criminal, details of the case, reason it was appealed to the Supreme Court, decision of the Court, vote of each of the Justices, and a brief summary of the majority opinion and the minority opinion if one was written.

Relating This Section to the Present

During its 1983–1984 session, about 4,200 appeals were made to the Supreme Court; the Court ruled on 150. Is the Court overworked—or does it manage to keep abreast of the times?

Name _____ Date _____ Class ____ Score ____

The Constitution

TEST AA

Part I **Write the letter of the best answer in the space provided.**

____ **1.** The Constitution evolved from the following compromises *except*:
a. The New Jersey Plan
b. the Great Compromise
c. the Virginia Plan
d. the Three-fourths Compromise

____ **2.** A conflict between which of the following represents the principle of checks and balances?
a. judiciary and legislature
b. electoral college and legislature
c. legislature and Congress
d. executive and electoral college

____ **3.** Which of the following are key terms in the Constitution?
a. override **c.** electoral college
b. preamble **d.** all of the above

____ **4.** The purpose of the Constitution was to:
a. make interstate business workable
b. protect against states' power
c. preserve the rights and diverse interests of Americans
d. divide government into three parts

____ **5.** The Bill of Rights was written in order to:
a. restrict the power of the legislature
b. protect the civil liberties of citizens
c. restrict the power of the executive
d. police the states

____ **6.** Which are *not* correctly paired?
a. 16th Amendment—abolishing "lame duck" sessions
b. 23rd Amendment—voting in the District of Columbia
c. 26th Amendment—extending voting to 18 year olds
d. 25th Amendment—presidential succession

____ **7.** The elastic clause was included in the Constitution in order to:
a. allow Congress to adjust to changing conditions
b. restrict power of the judiciary
c. govern the District of Columbia
d. create a national militia

____ **8.** The importance of adding the Bill of Rights to the Constitution in 1791 was that it:
a. limited states' rights
b. protected citizens from a strong judiciary
c. listed felonies and misdemeanors
d. listed freedoms the federal government could not take away from the people

____ **9.** Amendments that addressed civil rights include the following *except*:
a. 13th Amendment—abolished slavery
b. 15th Amendment—insured black suffrage
c. 16th Amendment—allowed taxing of income
d. 24th Amendment—abolished poll taxes

____ **10.** The First Amendment includes all of the following *except*:
a. freedom of religion
b. freedom of the press
c. freedom to vote
d. freedom to asemble

____ **11.** Provisions in the Bill of Rights have been restricted by:
a. *Miranda* v. *Arizona*
b. *Schenck* v. *United States*
c. *Brown* v. *Board of Education of Topeka*
d. *Mapp* v. *Ohio*

____ **12.** The following amendments were adopted after much public controversy *except*:
a. 11th Amendment—rules governing lawsuits against states
b. 13th Amendment—abolition of slavery
c. 19th Amendment—women's suffrage
d. 24th Amendment—abolition of poll taxes

____ **13.** Which of the following amendments extended democracy in the United States?
a. 17th Amendment—direct election of senators
b. 21st Amendment—repeal of Prohibition
c. a and b
d. neither a nor b

____ **14.** Supreme Court interpretations that have allowed the Constitution to adapt to changing needs and conditions include:
a. *Gibbons* v. *Ogden* **c.** *Marbury* v. *Madison*
b. *Engel* v. *Vitale* **d.** all of the above

_____ **15.** The important ideas in the Bill of Rights are:
- **a.** protection of property
- **b.** protection of people suspected of crimes
- **c.** a definition of voting rights
- **d.** a definition of citizenship

_____ **16.** The case in which the Supreme Court reversed an earlier ruling was:
- **a.** *Brown* v. *Board of Education*
- **b.** *Plessy* v. *Ferguson*
- **c.** *Dartmouth College* v. *Wheelock*
- **d.** *Furman* v. *Georgia*

_____ **17.** Which is true of the concept of judicial review?
- **a.** it established the Supreme Court
- **b.** it gave the Supreme Court greater power than the other branches
- **c.** it gave courts the right to strike down laws contradicting the Constitution
- **d.** it gave the Supreme Court lawmaking powers

_____ **18.** Supreme Court rulings have affected the Constitution by:
- **a.** reversing the balance of power
- **b.** enlarging individuals' rights against expanding state and federal legislation
- **c.** abridging Constitutional rights
- **d.** decreasing the power of the court

_____ **19.** The Constitution is a living document and has been changed by:
- **a.** amendments
- **b.** court interpretations
- **c.** congressional legislation
- **d.** all of the above

_____ **20.** The *Brown* v. *Board of Education* decision was based on the Constitution in that it:
- **a.** ordered immediate school desegregation
- **b.** ruled segregated schools violated the 14th Amendment
- **c.** ordered bussing of minority school children
- **d.** ordered closing of private segregated schools

Part II After reading the passage below, write the letter of the best answer in the space provided.

"The Federal Convention, which sat in Philadelphia from 15 May to 17 September 1787, drafted the most successful constitution in history. . . The Convention had been summoned to meet 14 May, but not until the 25th did enough delegates report at the place of the sessions. . . . An outline plan for a new nationalist government was presented by Edmund Randolph on the third day of the Convention's sessions, 29 May. The essential principles of these Virginia resolutions, as they were called, were a national legislature of two houses, members of both to be apportioned according to population, and those of the upper house to be elected by the lower. . . .

The convention was still happily debating the Virginia national plan when William Patterson of New Jersey exploded a bomb in the form of the New Jersey plan. The essential feature of it was one state, one vote; it was little more than an amended Articles of Confederation. The New Jersey plan naturally appealed to delegates from smaller states, who feared having their interests overridden by majorities formed out of big ones."

From *The Oxford History of the American People* by Samuel E. Morison

_____ **1.** Edmund Randolph:
- **a.** was late for the convention
- **b.** was from New Jersey
- **c.** presented the Virginia resolutions
- **d.** wanted an amended Articles of Confederation

_____ **2.** Our current government resembles the:
- **a.** New Jersey Plan
- **b.** New Jersey Plan and the Virginia resolutions
- **c.** Virginia resolutions
- **d.** Articles of Confederation

_____ **3.** At this time New Jersey:
- **a.** was plagued by terrorist William Patterson
- **b.** agreed with apportionment by population
- **c.** was led by Edmund Randolph
- **d.** was one of the smaller states

_____ **4.** Which is true of the Federal Convention?
- **a.** it started on time
- **b.** it started late
- **c.** it began on May 14
- **d.** it began on May 29

_____ **5.** What did the Virginia resolutions call for?
- **a.** two houses elected by the people
- **b.** one house elected; one house appointed
- **c.** the upper house elected by the lower house
- **d.** one state; one vote

Part III Write an essay on one of the following.

1. Explain the relationship between the three branches of the federal government. Use examples to support your answer.

2. Has the First Amendment affected American society more than any other amendment? Explain your answer.

3. Explain and discuss two amendments that you believe have had the greatest impact on the twentieth century.

4. Explain why three separate amendments were required to grant equality to blacks after the Civil War.

5. How have Supreme Court decisions affected the Constitution? Choose three cases to support your answer.

Name _____ Date _____ Class ____ Score ____

The Constitution — TEST A

Part IV Write the letter of the best answer in the space provided.

____ 1. The general principles of the Constitution are stated in the
a. elastic clause
b. Preamble
c. first Article
d. third Article

____ 2. *Not* included in congressional checks on presidential power is
a. vetoing presidential decisions
b. shelving proposed bills
c. overriding presidential veto
d. impeaching

____ 3. Congress has the power to
a. enforce laws
b. make treaties
c. appoint Supreme Court justices
d. make laws

____ 4. What check does the executive branch have on the judicial?
a. it can remove judges
b. it interprets decisions
c. it declares laws unconstitutional
d. it grants pardons

____ 5. The President has the power to
a. make treaties
b. approve treaties
c. assign taxes
d. regulate trade

____ 6. Since the Constitution was ratified, how many amendments have been added?
a. 10 **c.** 26
b. 15 **d.** 600

____ 7. Five states approved the Constitution only after stressing the need for
a. a Preamble
b. an elastic clause
c. a Bill of Rights
d. an electoral college

____ 8. Which amendment gives Americans freedom of speech?
a. first **c.** fourth
b. third **d.** tenth

____ 9. Which amendment gives Americans freedom of religion?
a. first **c.** fourth
b. third **d.** tenth

____ 10. The Twenty-Sixth Amendment gives the vote to all
a. white males **c.** blacks
b. women **d.** individuals over eighteen

____ 11. What principle was established in *Marbury v. Madison*?
a. rights of the accused
b. limits of state authority
c. judicial review
d. limits of free speech

____ 12. Which case reversed an earlier decision?
a. *Gibbons v. Ogden*
b. *Brown v. Board of Education*
c. *Mapp v. Ohio*
d. *Marbury v. Madison*

____ 13. What constitutional amendment reversed the Dred Scott decision?
a. First **c.** Twenty-fourth
b. Fourteenth **d.** Twenty-fifth

____ 14. What Supreme Court case upheld the World War I Espionage Act?
a. *Gibbons v. Ogden*
b. *Immigration and Naturalization Service v. Jogdish Rai Chadha*
c. *Engel v. Vitale*
d. *Schenck v. United States*

____ 15. Which case does *not* concern the rights of persons accused of crimes?
a. *Gibbons v. Ogden* (1824)
b. *Mapp v. Ohio* (1961)
c. *Engel v. Vitale* (1962)
d. the Miranda case (1966)

Part V Write an essay on the following.

Explain how the planners of the Constitution allowed for growth and change.

Name _____ Date _____ Class ____ Score ____

The Constitution

TEST B

Part I Write the letter of the best answer in the space provided.

a. executive
b. legislative
c. elastic clause
d. checks and balances
e. Constitution

____ **1.** the part of government that makes laws

____ **2.** the document that is the basis for the government of the United States

____ **3.** the power of Congress to do what is "necessary and proper" to carry out its functions

____ **4.** the part of the government that enforces laws and carries out policies

____ **5.** the system in which each branch of government limits the powers of the other two branches

Part II Label each of the following statements True (T) or False (F).

____ **1.** An amendment is a change in the Constitution.

____ **2.** The Bill of Rights was added to the Constitution in 1791 to place limits on the rights of citizens.

____ **3.** Freedom of the press and freedom to assemble are civil rights.

____ **4.** The Thirteenth Amendment abolished slavery.

____ **5.** The Fourteenth Amendment gave the vote to all white male citizens.

Part III Write the letter of the best answer in the space provided.

____ **1.** The Supreme Court's power to decide whether a law is constitutional is called
a. separation of powers
b. judicial review
c. checks and balances
d. federalism

____ **2.** *Brown* v. *Board of Education* reversed the 1896 separate but equal ruling of
a. *Marbury* v. *Madison*
b. *Gibbons* v. *Ogden*

____ **3.** Which Supreme Court case became an issue leading to the Civil War?
a. the Miranda case **c.** the Dartmouth case
b. the Dred Scott case **d.** the Schenck Case

____ **4.** The Miranda case involved
a. government censorship
b. congressional veto
c. rights of the accused
d. state and local elections

____ **5.** What development allowed the court to limit Schenck's freedom of speech?
a. Spanish-American War **c.** Great Depression
b. World War I **d.** World War II

Part IV Write an essay on the following.

Identify and explain one amendment that has expanded democracy in the United States.

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Congress: How It Works, Doesn't Work (fs). (OL).

The Constitution (mp, 20 min.). (UIFC).

The Constitution (mp, 25 min.). (UIFC).

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The Constitution...Guardian of Liberty (mp, 20 min.). (UIFC).

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Critical Period–Articles of Confederation to the Constitution (mp, 30 min.). (NF).

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Documents of Democracy (fs). (SVE).

The Election Process (fs). (PHM).

The Federal System: Checks and Balances (fs). (PHM).

Founding the Republic: Framing the Constitution (fs). (EB).

Fundamental Freedoms (fs). (OL).

The House of Representatives, Voice of the People (fs). (PHM).

Independence (mp, 30 min.). (SSSS).

John Marshall (mp, 20 min.). (EB).

Origins of the Constitution (fs). (SSSS).

Our Changing Constitution (fs). (SSSS).

Our Constitutional Rights (fs). (SSSS).

The Presidency: Powers and Personalities (fs). (PHM).

The Scales of Justice: Our Court System (fs). (OL).

The Supreme Court (fs). (NYT).

Supreme Court Cases (fs). (EAV).

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United States Government in Action (fs). (OL).

The United States Supreme Court (fs). (PHM).

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Electoral College. (OL).

How a Bill Becomes a Law. (IS).

Polls and Politics. (MECC).

The Presidency Series. (FM).

President Elect. (MM).

The United States Constitution. (OL).

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Computer Simulation, Film, and Filmstrip Key

(EAV) Educational Audio Visual, Inc., 29 Marble Ave., Pleasantville, NY 10570

(EB) Encyclopaedia Britannica Educational Corp., 425 N. Michigan Ave., Chicago, IL 60611

(FM) Focus Media, 839 Stewart Ave., Garden City, NY 11530

(IS) Intellectual Software, 798 North Ave., Bridgeport, CT 06606

(LCA) Learning Corporation of America, 1350 Avenue of the Americas, New York, NY 10102

(MECC) MECC, 3490 Lexington Ave., North, St. Paul, MN 55112

(MM) Micro Media, P.O. Box 17, Dept. 6, Valley Cottage, NY 10989

(NF) Norwood Films, P.O. Box 1894, Wheaton P.O., Silver Springs, MD 20902

(NYT) The New York Times, Education Enrichment Materials, 357 Adams Street, Bedford Hills, NY 10507

(OL) Opportunities for Learning, Inc. 8950 Lurline Ave. Dept. FAH, Chatsworth, CA 91311

(PHM) Prentice-Hall Media, ServCode XG, 150 White Plains Road, Tarrytown, NY 10591

(SSSS) Social Studies School Service, 10,000 Culver Blvd., Dept. 14, P.O. Box 802, Culver City, CA 90230-0802

(SVE) Society for Visual Education, Inc., Dept. L.C., 1345 Diversey Parkway, Chicago, IL 60614

(UIFC) University of Illinois Film Center, 1325 South Oak St., Champaign, IL 61820

Answer Key

Page 18 Student Review

COMPREHENSION Developing Vocabulary

1. b. **2.** g. **3.** f. **4.** d. **5.** a. **6.** c. **7.** e.

COMPREHENSION Mastering Facts

1. I. **2.** III. **3.** VI. **4.** IV. **5.** V. **6.** Preamble. **7.** V. **8.** Tries impeachment cases, approves Presidential appointments and treaties, impeaches government officials, initiates money bills.
9. a. legislative; b. legislative; c. executive; d. executive; e. legislative; f. legislative; g. executive.

APPLICATION Interpreting Charts

1. Three branches of government are the same, names are different.
2. A. Senate; B. House; C. Executive; D. Judicial; E. Supreme Court.

EVALUATION Relating Past to Present

1. Supreme Court decisions and "general welfare" clause help Congress deal with new situations.
2. Regulation of money, and the postal system.

CONCEPTS Understanding Government

1. Answers will vary.
2. The Constitution assigns law-making to Congress, carrying them out to the President, and interpreting them to the Supreme Court.
3. Senate must ratify treaties, president needs to signs bills, Supreme Court may deem a law unconstitutional; the final decision is balanced by the power of each branch.

CONCEPTS Developing Effective Citizenship

1. No, citizens express opinions to elected legislators.
2. Answers will vary.

Page 28 Student Review

COMPREHENSION Developing Vocabulary

1. A change in wording added to a legal document; the first ten amendments to the Constitution; a jury which decides whether or not to accuse someone of a serious crime; the power of government to take private property for public use; the right to vote; activities and behavior which cannot be restricted by government; the status or condition of being a citizen; all legal procedures.
2. Common law is based on custom and many court decisions over a long period of time. Statute law is the body of laws passed by legislatures.
3. It changed the meeting date of Congress so the newly elected members of Congress would be in office.

COMPREHENSION Mastering Facts

1. First: civil liberties; second: right to bear arms; third: protection against quartering soldiers in private homes; fourth: protection against searches and seizures; fifth: rights of accused persons; sixth: right to fair trial by jury; seventh: trial by jury in civil trials; eighth: reasonable bail and punishment; ninth: rights reserved to the people; tenth: powers reserved to the states.
2. Religion, speech, press, assembly, and to petition the government.
3. When probable cause has been established, what and who are to be seized.
4. "...nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb."
5. Speedy trial by jury; know the charges; see witnesses; subpoena witnesses; right to counsel.
6. To not limit rights to those in the Constitution.
7. The House of Representatives chooses the President from among the top vote-getters, 1876.
8. 13th; 14th.
9. 1920.
10. Washington, F.D. Roosevelt, Tenn.
11. Poor were discouraged from voting, included, in the South, most blacks.
12. When the President becomes unable to discharge his duties.

EVALUATION Relating Past to Present

1. a. 16th; b. the most important source of revenue.
2. a. Vice-President, b. Speaker of the House, then President pro tem of the Senate.
3. Crimes, except impeachment, and lawsuits over 20 dollars.

CONCEPTS Understanding Government

1. Protected.
2. Only one's own state.
3. Answers will vary; voting age is 18.

CONCEPTS Developing Effective Citizenship

1. 14th, 15th, 19th, 24th, and 26th.
2. Yes; search warrants must be obtained; Yes.
3. Voting rights cannot be denied on religious grounds; free speech allows criticism; the press may criticize or support; one can participate in political rallies; one may complain against the government.
4. Jury duty; answers will vary.

Page 34 Student Review

COMPREHENSION Developing Vocabulary

1. A higher court's review of a case to rule on a dispute concerning the case, giving damaging evidence against one's self; buying and selling of goods and services; practice of providing separate facilities for whites and blacks to preserve segregation.
2. Free expression of thoughts and ideas; those which protect individuals from slander and the public from danger.

COMPREHENSION Mastering Facts

1. A portion of the judiciary act of 1789.
2. A state cannot change the provision of a charter.
3. That segregation is legal as long as separate but equal facilities are provided.
4. The Court decided on a realistic time limit for desegregation.

EVALUATION Relating Past to Present

1. Established role of federal courts determining constitutionality; answers will vary.
2. Only vital public services such as electric power; state's power to grant monopolies has been limited.

CONCEPTS Understanding our Nation's Heritage

1. Police must inform those detained of their rights.
2. Answers will vary.

CONCEPTS Developing Effective Citizenship

1. That slaves were property and could not be citizens; it left no way in the legal system to resolve the problem.
2. If there is a "clear and present danger" then the right to free speech is curtailed, as in wartime.

Page 37 Recognizing Major Parts of the Constitution

1. Article 3. **2.** Article 6. **3.** Article 2. **4.** Article 1. **5.** Preamble. **6.** Article 5. **7.** Article 4. **8.** Article 1. **9.** Article 2. **10.** Article 2. **11.** 2. **12.** 1. **13.** 14.

Page 38 Checks and Balances

1. Answers will vary. *Sample*: It was a way of preventing power from growing in a particular branch; it equalized the powers of each branch. **2.** Federalism, division of powers, branches of government to separate powers, flexibility. **3.–5.** Answers will vary.

Page 39 Electing a President

1. (1) Most people at the time were uneducated, and (2) poor communications made it difficult for them to meet the candidates. **2.** Those of the electors of the Electoral College. **3.** By the numbers of congressional representatives and senators. **4.** To keep larger states from dominating the College. **5.** The College's votes elect the President, not the votes of the people. **6.** The states with the largest populations would control the elections. Candidates might concern themselves only with these states.

Page 40 Organizing the President's Cabinet

Chart answers

1. a. Ambassador. b. Secretary of the Treasury. c. President *pro tempore*. d. Chief Justice. e. Representative. **2.** Education **3.** Energy **4.** Housing and Urban Development **5.** Interior **6.** Transportation **7.** State **8.** Treasury **9.** Agriculture **10.** Health and Human Services **11.** Commerce **12.** Defense **13.** Postmaster General **14.** Justice **15.** Labor

Page 41 Procedures of the Supreme Court

1. The litigant must first go through the regular courts. **2.** This means the lower court's ruling stands. **3.** None. **4.** Answers should state that such cases would be cut off from a higher appeal and judicial review on a constitutional level. **5.** Answers should suggest that unconstitutional laws could be passed by legislatures, and the check of the judicial branch on the legislative would be destroyed.

Page 42 Understanding Articles 4, 5, 6, and 7

1. Returning an accused person to the state where the violation occurred. **2.** Article 4. **3.** The Constitution, federal laws, and treaties. **4.** To establish the credibility of the new government. **5.** Answers will vary, but should allude to the fact that some amendments may have been unconstitutional if they had not been made part of the Constitution. **6.** Answers will vary. **7.** Essential in maintaining the domestic peace and preventing chaos. **8.** Answers will vary. **9.** Answers will vary.

Page 43 Amending the Constitution

1. Elastic clause, amendments, judicial review, interpretation. **2.** By Congress or the states. **3.** 200 years. **4.** Supreme Court's judging the constitutionality of a law. It grew out of the *Marbury* v. *Madison* case. **5.** Answers will vary. **6.** Answers will vary.

Page 44 Understanding Federalism

1. Federal powers: c, f, k, h, q, t, x, y
2. State powers: a, l, o, u
3. Shared powers: b, d, g, j, m, p, r, w
4. Powers denied: n, e, i, v, s

Page 45 Amendments Protect Civil Rights

1. 13, 15, 24. **2.** 15, 19, 23, 24, 26. **3.** 22, 25. **4.** The amendments forbade states from keeping blacks from voting by such means as fees or taxes. **5.** The amendment enables young people eighteen and older to participate in elections. **6.** The Nineteenth Amendment enabled women to vote. **7.** Answers will vary.

Page 46 The Issue of School Prayer

1. Historic use of prayer in school. Reinforcement of religious values. **2.** Separation of government and religion in the Constitution must be maintained to ensure religious freedom. **3.** Answers will vary. **4.** Answers will vary. *Sample*: To maintain separation of government and religion.

Page 47 Supreme Court Rulings

1. Segregation. **2.** Answers will vary but should include the fact that the opinions of Supreme Court justices will change with the times. **3.** Awareness developed that separate was not equal. **4.** The provisions of the Constitution include all citizens regardless of color.

Page 48 Juveniles and the Courts

1. The rightful process of trial by jury. Accept any similar answer. **2.** To judge a criminal case, to give a judgment. Accept any similar answer. **3.** To be tried twice for the same crime. **4.** Answers will vary but should state that over this period juveniles have been given more rights in trials.

Page 49 The Constitution in Review

1. Representative. **2.** Impeach. **3.** Treaties. **4.** Vice-President. **5.** Grand Jury. **6.** Quorum. **7.** Supreme Court. **8.** Senator. **9.** Treason. **10.** Bill. **11.** Congress. **12.** Appellate. **13.** White House. **14.** Naturalization. **15.** Amendment. **16.** Jury. **17.** Poll Tax. **18.** Prohibition. **19.** Electoral College. **20.** Patent. **21.** Adjourn. **22.** Executive. **23.** Veto. **24.** Bail. **25.** Oath of Office.

Page 52 Test Yourself on the Constitution

1. c **2.** b **3.** d **4.** c **5.** a **6.** c **7.** d **8.** b **9.** c **10.** d **11.** a **12.** b **13.** d **14.** a **15.** d **16.** b **17.** d **18.** c **19.** a **20.** d **21.** d **22.** a **23.** b **24.** b **25.** d

Page 58 Reasons for Independence

1. Basically George III called for meetings at distant and inconvenient locations, thereby hoping to frustrate the colonists. He hoped this would make them give up and go along with him. **2.** Suspension of legislatures, keeping standing armies, many others. **3.** Cutting off foreign trade, others. **4.** That George III was a tyrant who did not care about the colonists' rights. **5.** Answers and reasons will vary.

Page 6 (Manual) Mastery Test

AA: Part I 1.) d **2.)** a **3.)** d **4.)** c **5.)** b **6.)** a **7.)** a **8.)** d **9.)** c **10.)** c **11.)** b **12.)** a **13.)** a **14.)** d **15.)** b **16.)** a **17.)** c **18.)** b **19.)** a **20.)** b
Part II 1.) c **2.)** b **3.)** d **4.)** b **5.)** c
A: Part IV 1.) b **2.)** a **3.)** d **4.)** d **5.)** a **6.)** c **7.)** c **8.)** a **9.)** a **10.)** d **11.)** c **12.)** b **13.)** b **14.)** d **15.)** a
B: Part I 1.) b **2.)** e **3.)** c **4.)** a **5.)** d
Part II 1.) T **2.)** F **3.)** T **4.)** T **5.)** F
Part III 1.) b **2.)** c **3.)** b **4.)** c **5.)** b